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THE  
HISTORY  
OF  
THE UNITED STATES,  
FROM  
THEIR COLONIZATION  
TO  
THE END OF THE TWENTY-SIXTH CONGRESS, IN 1841.

BY  
GEORGE TUCKER.

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*In Four Volumes.*

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VOL. IV.

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# HISTORY

## OF THE

### UNITED STATES.

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#### CHAPTER XXVI.

##### JACKSON'S ADMINISTRATION.

###### FIRST TERM.

1829—1831.

THE next Administration was about to exhibit a striking contrast to that of Mr. Adams. While the Executive power had been so feebly wielded by the latter that its efficiency was scarcely adequate to its prescribed duties, that of General Jackson, aided as it was by his unequalled popularity, had a strength which seemed to indicate a different government: and the fears of this branch of Federal power, which had hitherto been confined to Democratic jealousy, was now seriously felt by the conservative portion of the community.

This wide difference is attributable, in the main, to the different degrees of popular favor which those high functionaries severally possessed. Mr. Adams was, indeed, very generally esteemed as a man of great acquirements, of business habits, and of strict probity. The diligence and ability which he had shown as a diplomatist, when yet a young man, had obtained the approba-

tion and confidence of General Washington. He was the pride and admiration of the second President, his father; and his timely and important disclosures of a dangerous faction at once won the confidence and esteem both of Jefferson and Madison: yet he had done nothing to make him a favorite with the people. He had gained no victory, like General Jackson, against the best troops of Europe. He had not, like Mr. Jefferson, in all contests between the many and the few, been the advocate and supporter of the popular side: he had not, like Hamilton and Madison, formed a government of order and security out of a chaos of jarring elements, which bettered every man's condition: nor had he those frank, engaging manners of Mr. Clay, which won all hearts, except those of rivals, and softened even some of theirs. But besides these points of difference, he had been the instrument—and as the suspicious and uncharitable thought, the corrupt instrument—of defeating the will of the people in the elevation of their greatest favorite. Here, then, was the clue to the very different reception which the administrations of these two Chief Magistrates met with from the American people; and there never was a stronger illustration of the truth of a homely proverb, which indicates the impunity of one man for a great offence, while another is severely punished for a small one.

On the fourth of March, General Jackson, in the presence of the members of both Houses of Congress, the Judges of the Supreme Court, the members of the foreign diplomatic corps, and a large body of his fellow-citizens attracted to Washington on the occasion, delivered his inaugural address, which had the merit of being short, and, though drawn by a friend, was in strict keeping with his character.



In appropriate phrase he expresses his gratitude to the nation for the honor conferred on him, and then states the principles on which he should endeavor to discharge the duties of his office.

He should aim to keep within the limitations prescribed by the Constitution to the Executive authority; to preserve peace with foreign nations; to respect the rights of the sovereign States; to observe a strict economy, with a view to the extinguishment of the public debt, and to the counteraction of that profligacy which is favored by a profuse expenditure.

He thinks that the interests of agriculture, commerce, and manufactures should be equally favored, except so far as peculiar encouragement may "be found essential to national independence." Considering standing armies dangerous, he should not seek to enlarge the present military establishment. The gradual increase of the navy, the preservation of forts, and other works of defence, are favorably noticed. The national militia is styled the bulwark of defence. He will observe a just and liberal policy towards the Indians.

"The recent demonstration of public sentiment prescribes, in characters too legible to be overlooked," to the Executive, "the task of *reform*," which particularly requires "the correction of those abuses which have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed, or continued power in unfaithful or incompetent hands."

He says he should look with reverence to the examples of public virtue left by his illustrious predecessors, and with veneration to the lights which flow from the mind that founded and the mind that reformed our system.

The oath to support the Constitution was then administered by Chief Justice Marshall:<sup>1</sup> but as General Jackson had not called on the late President, the latter was not present at the inauguration.

The members of the new Cabinet were:— Secretary of State, Martin Van Buren, at that time Governor of New York; Secretary of the Treasury, Samuel D. Ingham, late a member of Congress from Pennsylvania; Secretary of War, John H. Eaton, late a Senator from Tennessee; Secretary of the Navy, John Branch, of North Carolina; Attorney-general, John M. Berrien, one of the Senators from Georgia; Postmaster-general, William T. Barry, of Kentucky. John M'Lean, of Ohio, late Postmaster-general, was made a Judge of the Supreme Court.

It appeared very clearly from these appointments, that General Jackson did not mean to hold himself bound by the declarations which he had made respecting the course of the preceding Administration.

In an address or reply made to the Legislature of Tennessee, he maintained that no member of Congress ought to be appointed to any office except that of judge, and added that, if elected, he should conform to that rule. Yet, in the course of two months after he was installed into office, no less than four members of his Cabinet were members of Congress at the time of his election, and some others received inferior appointments, amounting to eight or nine; whereas not more than five had been appointed by Mr. Adams during his whole Administration.<sup>2</sup>

<sup>1</sup> This was the eighth time he had performed this office.

<sup>2</sup> It appears that the whole number of appointments of members of Congress, during Washington's administration, was ten; in John Adams's, thirteen; in Mr. Jefferson's, twenty-five; in Mr. Madison's,

Nor did he feel himself more bound to respect the principles previously professed by his party. One of the most conspicuous of these was opposition to the appointment of the editors of newspapers to office, which was said to be a mode of corrupting the press, or at least of destroying its impartiality and independence: yet he, almost immediately after he was in power, appointed some fifteen or twenty editors to lucrative offices.

In the exercise of that delicate duty which devolves on every new Administration, of making new appointments, he exercised the power of removal as freely as if there had been a change of political parties. But Mr. Adams, ever since he had avowedly quitted the Federal party, and every member of his Cabinet, had at all times belonged to that party of which Mr. Jefferson was the head, and had been more identified with it than had been General Jackson himself: yet removals were made on no other ground than that the incumbents had voted for Mr. Adams in preference to General Jackson. For the first time, this principle of personal adherence to an individual had been acted on; and more removals were made on this ground, so repugnant to republican principles, than had been made by Mr. Jefferson when all the offices were held by the party which a large majority of the nation had openly condemned; when popular sentiment loudly called for a change; and lastly, when justice between the two parties imperiously demanded it.

While this great leader thus failed to redeem his solemn pledges to the nation, it is not wonderful that his followers should be regardless of theirs, prompted as they

twenty-nine; in Mr. Monroe's, thirty-five; in John Quincy Adams's, from the third of March, 1825, to the twenty-fifth of April, 1826, five; in General Jackson's administration, in three months, the number was twelve.

both were to the inconsistency by the present and potent motive of self-interest.

General Jackson, of all the public men who have acted the chief parts in the great political theatre, has excited the most discordant sentiments of his countrymen, not excepting Mr. Jefferson. While he has been eulogized by one party as a second Washington, and by a few even as Washington's superior, he has been denied, by most of the other party, any one virtue but courage and decision, and has been pronounced wanting in all the essential requisites of statesmanship and civic duty. It requires, then, the contemporary historian to be especially on his guard against that natural tendency of the mind to represent facts according to its wishes and feelings.

One of the first acts of the new President seemed to be decisive of the future fate of the Indians in Georgia and the neighboring States. On the twenty-third of March, he had "a talk," through Colonel Crowell, the Indian agent, with the Creeks, in which, after adverting to the recent murder of a white man in Georgia, he said to them, "You and my white children are too near to each other to live in harmony and peace. Beyond the great River Mississippi, whither a part of your nation has gone, your father has provided a country large enough for all of you, and he advises you to remove to it. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as long as the grass grows, or the water runs, in peace and plenty."

He reminds them that he had told them of this country many years before. He tells them, if they remain in Alabama, they must be subject to the laws of that

State. If they remove across the Mississippi, they will be subject only to their own laws.

A similar course was pursued by the Secretary of War, Major Eaton, towards the Cherokees in Georgia, who had written to him to complain of that State for extending its jurisdiction over them. He tells them that they are under the protection of the several States within whose limits they respectively live, and subject to their laws, though the property in the soil remains in them, and that this has been virtually recognized in the treaties made with them: that, even suppose Georgia to claim a power to which she is not fairly entitled, it is not the intention of the General Government to interpose, when civil war might be the consequence. They are, therefore, earnestly exhorted to remove to the west of the Mississippi, where alone they can be sure of protection and peace.

On the seventh of December, General Jackson sent to Congress his first opening message. After beginning with the ordinary congratulations on the favored condition of the United States, he proceeds to the notice of their foreign relations.

Of the unsettled matters with other countries, the most prominent are those with England, France and Spain. Though he does not yet know what will continue to be the policy of Great Britain, he indulges the hope that the result will be satisfactory. Our interests in the north-eastern boundary, now submitted to the arbitration of a friendly sovereign, have been committed to a distinguished citizen of the State of Maine.

From France, our ancient ally, we have a right to expect the justice which becomes the sovereign of a powerful and magnanimous people. The claims of our citizens furnish a subject of unpleasant conference, and

possible collision, between the two Governments. Our Minister has been instructed to press these claims with earnestness.

Our Minister to Spain has been instructed to propose to place the commercial relations of the two countries on a more favorable footing, and make a further appeal to her justice for indemnity to our citizens.

With the other European Powers our intercourse is most friendly, especially with Russia. Now that she has made peace with Turkey, we may hope to gain admission to the Black Sea, which has already been the subject of negotiation. Our relations with most of the other European Powers are successively noticed.

Though our relations with the Barbary Powers continue pacific, it is still thought prudent to keep a naval force in the Mediterranean. A like policy is pursued in the Pacific.

"The recent invasion of Mexico by Spain, and the effect it has produced in her domestic policy, must have a controlling influence upon the great question of South America emancipation." Peace with Spain and her former colonies may be reasonably expected.

He adverts to the recall of our Minister, Mr. Poinsett, at the instance of the Mexican Government, though he considers their complaints of him to be unfounded.

He calls the attention of Congress to the propriety of amending that part of the Constitution of the United States which concerns the election of President and Vice-President. It never was designed that the will of the people should be defeated either by the Electoral Colleges, or the House of Representatives. On this subject he comments, and ventures to recommend that the choice be directly by the people, and that he be elected but for one term of four or six years; and also that

members of Congress be disqualified from receiving Executive appointments, except perhaps for the Cabinet, or of a judicial or diplomatic character. After dwelling on the injurious, and even corrupting tendency of long continuance in office, he thinks the law which limits appointments to four years should be generally extended, which would favor a salutary rotation, and destroy that idea of property which is so apt to be entertained by office-holders.

The new tariff has not proved so injurious to agriculture and commerce, nor so beneficial to manufactures, as was expected. Domestic competition in the latter, under an illusive excitement, has so increased the production, as to cause low prices, partial embarrassment, and loss.

He suggests that some of the provisions of the tariff require modification. He thinks our own products should be placed in fair competition with that of other nations,<sup>1</sup> and in articles required for self-defence we may go a step further.

The receipts of the year are estimated at more than twenty-four millions of dollars, and the expenditures at about twenty-six millions, leaving a balance in the treasury of above four millions.

There will have been paid of the public debt this year, above twelve millions of dollars, reducing its amount, on the first of January, to forty-eight millions five hundred and sixty-five thousand dollars, including seven millions subscribed to the Bank of the United States.

When the debt is extinguished, there is likely to be a large surplus in the treasury. As there have been such discordant views about appropriations for internal improvements, it is desirable to obtain these benefits in

<sup>1</sup> This surrenders the principle of free trade.



some mode that will be satisfactory to all. This he thinks may be effected by an apportionment of the surplus revenue among the States, according to their ratio of representation; and if the Constitution does not authorise such a distribution, he suggests its amendment for that purpose.

He advises an inquiry into the offices that can be dispensed with, and the retrenchments that can be made.

He makes reference to the report of the Secretary of War for information of what concerns that branch of the service. The soldiers of the Revolution, without distinction, are recommended to the bounty of the nation.

The attention of Congress is called to the condition and destiny of the Indian tribes; but while we have aimed to civilize them, we have constantly purchased their lands, and thus the Government has defeated its own policy.

The claims of the Cherokees to establish an independent government within the limits of Georgia, are stated to be inconsistent with the Federal Constitution, and the recognized rights of the States. They have been, accordingly, told that their attempt would not be countenanced by the Executive of the United States, and advised to emigrate beyond the Mississippi, or submit to the laws of the States in which their lands lay. He says that they are destined to become extinct if they remain among the whites, of which we have already seen many examples. As a means of averting this sad fate, he suggests that an ample territory beyond the Mississippi be set apart for the Indian tribes, and be guaranteed to them as long as they occupy it.

Their emigration ought, he says, to be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers, and seek a home

in a distant land. But if they remain within the States, they must be subject to their laws.

In his reference to the navy, he says our best policy would be to discontinue the building of ships of the first and second class, and look to the possession of ample materials for the emergencies of war, rather than to the number of vessels. He thinks, too, the Navy Board may be dispensed with, substituting Bureaus in its stead, under the superintendence of a member of the Board; and that the marine corps be merged in the artillery or infantry.

He recommends a reform of the judicial system, which now operates very unequally among the States.

The great increase of business in the State Department long ago suggested the expediency of a Home Department.

The charter of the Bank expires in 1836, and he thinks it probable that the stockholders will seek for its renewal. To avoid precipitancy in a matter of such importance, he says he could not too soon present it to the consideration of the Legislature and the people. He adds these significant remarks: "Both the constitutionality and expediency of the law creating this Bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency."

If such an institution is deemed necessary, he submits whether a national one, founded upon "the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the Government and country which were expected to result from the present Bank."

This message was unusually full on the public affairs,

and in the main indicates a degree both of good sense and moderation far beyond what General Jackson was commonly supposed to possess. It is understood that it was not drafted either by himself,<sup>1</sup> or any member of his Cabinet; but he was not a man to adopt any views or opinions of another, that he did not examine and approve. He is, then, fairly entitled to the liberal tone of feeling and the wise policy there manifested.

The remarks concerning the Bank were probably suggested by himself. They are the first indications of that hostility which continued to agitate the country for the unexpired term of the charter of that institution, and which terminated in its final overthrow. This war between General Jackson and the Bank constitutes the most prominent feature in his administration of eight years; and though he ultimately prevailed in the contest, and probably against what was at first the sense of a majority of the nation, yet, when one considers the relative dignity of the parties, it can scarcely be regarded as a triumph that adds to the glory of the hero of New Orleans.

No part of the message created so much sensation as this, and it fell like a bomb-shell on the ears of the stockholders, and the numerous officers of the Bank and its branches. It created as much surprise as alarm. Uncertain of the degree of support they should derive from public sentiment, they were aware that they had an enemy to contend with in a President who was most formidable by the power which his station conferred, his great and growing popularity, and his own force of will, and constancy of purpose.

A natural consequence of the change of parties was a

<sup>1</sup> Especially in Philadelphia, the seat of the Bank, and where Mr. Bidle had great influence, both from his high literary talents, and his numerous connections.

change of foreign Ministers. Accordingly, Mr. M'Lane, of Delaware, was appointed Minister to Great Britain, Mr. Rives to France — both of whom had been distinguished by their zeal and ability in opposing the late Administration. Mr. Preble was appointed to the Netherlands, and Mr. Van Ness to Spain.

Political parties were now about to assume a new phasis, or rather they had already assumed it. The union of the friends of Messrs. Calhoun, Crawford, and Jackson having effected their common object of overthrowing the Adams Administration, according to the ordinary course of independent allies, as soon as their main purpose was attained, began to disagree among themselves. The question about the successor to General Jackson, who seemed committed, by his public and repeated declarations, against serving a second term, presented a ready ground, first of competition, and subsequently of open hostility.

Mr. Calhoun, who had been twice elected Vice-President, and whose zeal and management had contributed to the large vote which General Jackson had received in 1824, seemed to have the first claim, and it was thought probable by most people, and more than probable by himself, that he would be elected after General Jackson had served one term. But there was an engine brought into play against him, of which he appeared to have entertained no suspicion, and of which, had he been aware, it is not easy to see how he could have averted its effects.

In the summer of 1828, Mr. Van Buren and Mr. Cambreling went to Georgia, for the ostensible purpose of paying a friendly visit to Mr. Crawford, then withdrawn from the political arena, and for whose elevation to the Presidency it was known they had made every exertion in their power. Whether they had been invited on to

receive the communication then made by Mr. Crawford, is not known. The communication, however, was made during this visit, that it was Mr. Crawford who, in the divisions of Mr. Monroe's Cabinet concerning General Jackson's conduct in the Seminole campaign, had been the friend of the General, whereas Mr. Calhoun, who had the credit of defending him, had been his accuser, and had even proposed that he should be subjected to a court-martial.

Soon after Messrs. Van Buren and Cambreling returned home, a letter appeared in the newspaper from James C. Hamilton to Mr. Calhoun, inquiring of him, under some pretext, respecting his course towards General Jackson in the Cabinet. When thus directly called on, Mr. Calhoun was obliged to state that he disapproved of the General's course, and had voted accordingly in the Cabinet. As soon as the intelligence reached General Jackson, he was outrageous that he who had recently assumed the character of his friend, and had in fact proved a very efficient one, had some time before been his opponent; and he was now regarded by the General as having been guilty of the blackest perfidy, and the vilest hypocrisy. It is an every day occurrence for recent injury to cancel all gratitude for past services, and for former injuries to be forgiven in consideration of present benefits; but the cases are rare when the past injury is remembered, while the recent benefit is forgotten: and when one sees a course of action so opposite to that which ordinarily governs mankind, it leads us to suppose that the impulsive nature of General Jackson was acted on by others, by means of artful appeals to the resentments to which he was so prone, and to that pride which was mortified by having its sagacity deceived, and its confidence abused. However effected, there is no doubt

that, from the time of this discovery, General Jackson felt a violent animosity against Mr. Calhoun, which he retained for the rest of his life.

While these divisions were taking place among the leading politicians, the mass of the nation was divided into two great parties by the tariff, which, as an instrument for protecting manufactures, was cherished and defended by the Northern and Middle States, and vehemently opposed by those of the South and South-western.

The policy of encouraging domestic manufactures by taxing those imported from abroad had been at first opposed by the slaveholding States as injurious to their interests, since they would thus be compelled to buy an inferior or dearer article made at home, for the benefit of the manufacturer; but the opposition gaining strength by the discussion and the agitation it produced, it was at length deemed unconstitutional; from which it followed that duties laid for this purpose were not obligatory upon the disapproving States, and therefore void. By this short process, the doctrine of nullification, or the right of a State to declare an act of Congress unconstitutional and invalid, arose. It was a doctrine which soon made proselytes in all the Southern States, until in some it obtained the support of a large majority of the people, and consequently of the Legislature; and the discontent which it occasioned was industriously fomented by those politicians who expected to profit by Southern votes; and as no one was so likely as Mr. Calhoun to obtain those suffrages, South Carolina embraced the doctrine with more zeal and unanimity than any other State. Political ambition thus lent new force to party feelings and pecuniary interests.

This controversy had been making steady progress ever since the tariff act of 1828, but it had not yet

reached its greatest height. While it furnished the most copious subject of public discussion both in Congress and out of it, another topic, brought before Congress at this session, gave occasion to one of the most interesting and memorable debates which ever took place in Congress, and a part of which made an indelible impression upon the minds of all who heard or read it.

This debate concerned the public lands of the nation, on which the most discordant opinions were entertained in Congress, and in different parts of the Union. While most of the new States felt more or less of discontent that such a large portion of their unsettled territory should be owned by another government, and that it was even exempt from taxation, and while some of late had even gone so far as to lay claim, upon principles of abstract and primordial law, to the property in these lands, the old States generally insisted that, by the manner in which this territory had been acquired, and by compacts among the States, both express and implied, they constituted a common fund for the benefit of all; and that not merely justice, but liberality, had been shown to the new States in the large grants made to them of these lands, for education and other useful purposes.

In December, Mr. Foot, one of the Senators from Connecticut, desirous of maintaining the value of those lands, offered a resolution :

“That the Committee on the Public Lands inquire into the expediency of limiting, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale, and are subject to entry at the minimum price: and also, whether the office of Surveyor-general may not be abolished without detriment to the public interest.”

The whole policy of the public lands was brought under review by this resolution. Many speeches were made on the subject; but those of Mr. Hayne, of South Carolina, and of Mr. Webster, chiefly engrossed public attention, not only from the ability which they displayed, but because they touched on other topics interesting at the time, and yet more from the passages of personal attack and defence of unwonted force and skill. These speakers were more or less considered as embodying the parties of the tariff and anti-tariff policy, and of the North and the South.

Mr. Hayne, though from an Atlantic and an old State, maintained the views of the Western States, and insisted that the policy of the General Government towards the new States had been harsh, illiberal, and unwise: that, instead of exacting the highest price for these lands, they ought to have been freely granted to the settlers, by which course the new States would have rapidly increased in wealth as well as numbers, instead of being always kept poor by a continual drain of their specie.

He then took occasion to object to revenue from the sale of lands, and also from an impost, and gave a decided preference to direct taxation, as favoring economy in the public expenditures, and depriving the General Government of a fund for corruption. He deprecated the policy which some persons entertained of keeping up the price of the public lands, so that, by retarding their settlement, the manufacturers might obtain hands on lower terms; and he also favored the plan of distributing those lands among all the States: and though he thought that the claims lately advanced by the States of Alabama and Indiana to the public lands within their respective limits, were entirely untenable,



he intimates that, after the public debt was paid, sound policy might recommend a cession of them to the States of which they compose a part.

Mr. Webster, in his reply, vindicated the course of the General Government towards new States. The sales made had not, he said, been more than twenty millions of acres, while we had about two hundred and ten millions surveyed and in the market; so that we then had more lands than purchasers.

The present relation of the Government to the settlers on these lands is very different from that which existed when this country was first settled by emigrants from Europe. They derived neither aid nor protection from the governments at home; and the Indian title has been extinguished at the cost of many millions.

The progress of these States has been rapid beyond all example. Ohio, in thirty-five years, has attained a population of more than a million. He adverted to the four sources of the public lands:—First. The cessions of Virginia, and other States, at the recommendation of Congress. Second. The compact with Georgia in 1802. Third. The purchase of Louisiana. Fourth. The purchase of Florida. In all of these acquisitions, the States had an interest which Congress could not surrender without violating the pledged faith of the nation. They were subject to this pledge to the States before they were pledged to pay the public debts. No one can estimate the mischief that would have arisen if they had been thrown into the hands of private speculators.

He examined Mr. Hayne's doctrine that there should be no permanent public revenue, and his fears of consolidation. He deprecated the light value that the disciples of this school set on the Union.

He denied that the sale of the lands tended to intro-

duce corruption in the Government, in any of the various uses to which the money was put. He insisted that no part of the policy pursued by the Government, regarding these lands, retarded their settlement.

He defends the Eastern States from the charge of being responsible for the tariff. The majority of the votes of New England were opposed to the tariff of 1824. It was forced upon New England. The charge, then, of being hostile to Western interests was next considered. He says there are two modes of disposing of the public lands — the Northern, which, by surveys before any grants are made, enables the Government to give a precise description of the lands by a reference to degrees of latitude; and the Southern, by warrants, surveys, entries and location, which has caused so many conflicting titles, and been so fertile of litigation; and he doubts whether any single law of any lawgiver has produced effects of a more distinct and lasting character than the ordinance of 1787, drawn by Nathan Dane, of Massachusetts. It fixed forever the destiny of the population north-west of the Ohio, by excluding from them involuntary servitude. This measure was carried by Northern votes, but they were influenced by none of the selfish motives ascribed to them, as they had been greatly encouraged by New England emigration. In every instance he maintained that New England had been favorable to Western interests; and he showed, by referring to a former debate, that his own policy had been, that the price of the public lands should be “fixed as low as would not prevent their settlement, yet not so low as to prompt speculators to purchase.

It was quite clear that, under the show of discussing the policy of the Legislature as to the public lands, other motives and considerations entered into the debate,

and that views of party or personal ambition dictated much that was said. Each party attempted to conciliate the West, or at least to deprecate its sense of injury, and at the same time to attack or defend the tariff.

Two days later, Mr. Hayne rejoined. He alleged that the charge against Mr. Webster, of hostility to the West, had not been brought by him, but by Mr. Benton, and asked if Mr. Webster, deeming himself overmatched by that Senator, hoped for an easy victory over a more feeble adversary. He asked, too, if "the ghost of the murdered coalition" had come back to alarm the gentleman's imagination, and would not "down at his bidding?" and if "dark visions of broken hopes and honors, lost forever, still floated before his heated imagination?"

He then sarcastically adverted to Nathan Dane, the legislator, greater than Solon or Lysurgus, who was not known to the South until he was known as a member of the Hartford Convention.

He says that Mr. Webster had formerly taken the same ground in favor of the West which he himself now takes. He charges him with a similar inconsistency as to internal improvements, and justifies the South for opposing this interest of the West by their constitutional scruples. He doubts Mr. Webster's professions of a wish to see the public debt discharged. In adverting to the more rapid growth of Ohio than Kentucky, of which Mr. Webster had spoken as the effect of the exclusion of slavery, he defended the South in reference to that institution—urged that they were not responsible for introducing it—denied that it impaired their strength, or their happiness—insisted that the slaves were in a better condition than the free blacks of the Northern States—says they contribute more to the national wealth than the Northern States, which, how-

ever, he alleges derive greater profit from the labor of slaves than the Southern States themselves. He denounces the false philanthropy which has meddled with this subject, and appeals to facts in support of this vindication of the slaveholding States. He deprecates every thing that favors the consolidation of the States, as the worst of evils. He taunts Mr. Webster for now supporting the tariff that he had once so ably opposed. He repels the charge of favoring disunion by reference to the course of the South in 1798, as also in the late war, which was "for free trade and sailor's rights," and which he contrasts with the course of Massachusetts, on which he dilates with much severity, both in opposing the war, after affecting to wish it, and in favoring a dissolution of the Union, before the Hartford Convention, as well as in that assembly. He defends the "Carolina doctrine" on the rights of a State when the Federal Constitution is violated, by the authority of the Virginia resolutions of 1799, and also refers to those of Kentucky, and the arguments of Mr. Jefferson—all of which concur in affording a complete justification of the course of South Carolina, both for her maintenance of the Constitution in its purity, and her attachment to the Union.

This long speech, recommended by a pleasing person and a most engaging elocution, in which there was scarcely a word that related to the professed object of discussion but was dictated by a wish to defend the present and past policy of the Southern States, and to advance the political interests of their favorite champion, Mr. Calhoun, was replied to by Mr. Webster in a style equally foreign to the matter under discussion, equally limited to party and personal considerations, but far superior in ability and effect. A more triumphant retort was perhaps never exhibited in a legislative assembly,

and that, too, over an antagonist who had few equals as a public speaker : and this second speech on Foot's resolution will probably be selected by the friends of Mr. Webster as the proudest era in his life, replete as it was with the triumphs of logic and wise statesmanship.

The next day,<sup>1</sup> the debate was continued. Mr. Webster began his speech by reading Mr. Foot's resolution, to which Mr. Hayne, in his speech of two days, had not paid even "the cold respect of a passing glance." After much personality that was at once playful and severe, and a somewhat contemptuous reply to the taunts of being overmatched by the Senator from Missouri, which seemed to flow from the proud consciousness of his own powers, he spoke in terms of withering scorn of the pretended coalition, which no man of common information ever believed ; and in his reply to that part of Mr. Hayne's speech which alluded to the play of Macbeth, he most felicitously alluded to some recent changes in the politics of the day. "The ghost of Banquo," he said, "like that of Hamlet, was an honest ghost. It disturbed no innocent man. It struck terror into the guilty. *Their* eye-balls were seared, who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency — who had vainly attempted to stifle the workings of their own coward consciences, by ejaculating, through white lips and chattering teeth, 'thou can'st not say I did it.' It was not those who had not shared in the deed of death, who either found that they were, *or feared that they should be*, pushed from their stools by the ghost of the slain.

"There was," he added, "another point of comparison which might not make the story of Banquo a subject of

<sup>1</sup> January 20th.

pleasant contemplation to the gentleman. What did the murderers win by their act? Substantial good, or disappointment—the common fate of vaulting ambition overleaping itself. Did they not find that this ambition, though for the moment successful, had put a barren sceptre in their grasp,

‘Thence to be wrenched by an unlined hand,  
No son of theirs succeeding.’”

He vindicates the Northern States, both for their sentiments on the subject of slavery, and their forbearance to intermeddle with it; and the charges brought against them, on this subject, are injurious and unfounded. He disclaimed any connection with the Hartford Convention, and so far as it can be shown to be disloyal to the Constitution, he should be as ready to censure it as any one.

In answer to the charge of inconsistency, he shows that the views taken in his two speeches are identical. He again defends his policy in disposing of the Western lands—to sell them at low prices, but not to give them away.

He replies with great force to Mr. Hayne’s question, “What interest has South Carolina in a canal in Ohio?” He refers to the votes of New England on the reduction of the price of the public lands, and the release of former purchasers from a part of their debt, as a proof of their good feelings towards the West.

In his support of public improvements, he followed “a Carolina track.”<sup>1</sup> The tariff of 1816 is a South Carolina tariff.

He justifies his course in voting against the tariff of 1824. He had doubts about the constitutional power—

<sup>1</sup> Alluding to the course pursued by Mr. Calhoun and his colleagues.

these doubts have been shaken, or rather removed, by the lately published views of Mr. Madison. But after the policy was adopted and settled, New England conformed to it, and naturally wished the system amended and improved. He replied at great length to some of the attacks of Mr. Hayne on the evidences of a disloyal spirit occasionally afforded by New England, and thence proceeded to assail the doctrine of nullification; and maintained that Massachusetts had never gone so far as South Carolina had done in the late resolutions of her Legislature, the import of which he considered to be somewhat indefinite; and he denied that a State has the right to declare that the Federal authorities have exceeded their powers: that can be done only by the Supreme Court: he showed that the doctrine of nullification must lead to the resistance of a law of Congress, and finally to civil war; and that the right thus claimed is but the right of revolution. He finished with an eloquent appeal in behalf of the sentiment "dear to every American heart — liberty and union now and for ever, one and inseparable!" and thus concluded a speech which, beyond all others delivered by him, numerous and efficient as they have been, reached the hearts of his hearers and of the mass of the nation.

The condition of the Indians of Georgia, whom that State insisted on emigrating to the west of the Mississippi, but who most reluctantly consented to quit the lands on which they were reared, and where reposed the bones of their fathers, excited a very general sympathy throughout the Union, and especially in the Northern States, who have long since ceased to have any personal knowledge of the dire evils that are inseparable from such neighbors.

At this session, a memorial from the city of New

York was presented to Congress in behalf of these people.

The memorialists consider the doctrine recently asserted, that the Indians had no valid claim to the territory on which they live, to be "in a high degree alarming," and utterly subversive of justice. The four South-western tribes of Cherokees, Chickasaws, Choctaws, and Creeks are estimated at seventy-five thousand souls, whose lands, according to the President of the United States, the Legislatures of the States in which they reside may confiscate at pleasure. This is denied by the memorialists, for the reasons which they set forth at large, and who, in answer to a contrary doctrine, say, *let justice be done*. They, however, deny that there is any practical difficulty, as the Indians are willing to sell.

The rights of the Indians, it is further urged, are secured by express recognitions, and conventional stipulations, of which they give examples; and they particularly refer to the treaties made between Georgia and the Indians, in 1785 and 1786.

By every motive of duty, honor, and equity, they invoke the intervention of Congress to save the Cherokees from the threatened injustice and oppression, and the country from the shame and opprobrium that would result.

About the same time, a memorial was presented from the Cherokees themselves, claiming the protection of the United States, and insisting on their exclusive and entire right to the lands on which they live. They are threatened with being brought under the jurisdiction of the State of Georgia, if they do not leave their country. To the last they are unwilling, and against the first they protest as illegal, unjust, and oppressive.

In the preceding December (1829), the State of



Georgia had enacted a law to add the territory then occupied by the Cherokees to four of the counties of the State, and to extend the laws of the State over the same; by which law it was made punishable by fine and imprisonment to prevent, or offer to prevent, or deter, any Indian residing within the limits of the State from selling, or ceding to the United States for the use of Georgia, the whole or any part of the said territory; or to prevent, or endeavor to prevent, any Indian from emigrating from the State; and to take the life of any Indian for attempting to emigrate, or attempting to meet Commissioners of the United States, by reason of any law, custom, or ordinance of said nation, shall be deemed murder, and be punishable with death.<sup>1</sup>

All laws, ordinances, and regulations enacted by the Cherokee Indians after the first of June are declared null and void.

In each House of Congress, a report was made on the subject of the Indians; one providing for their removal, the other for the exchange of their lands in the Atlantic States for other lands west of the Mississippi.

In January, the State of Mississippi also passed a law to extend the jurisdiction of the State over the persons and property of the Indians within its limits; by which all the "rights, privileges, immunities, and franchises" heretofore enjoyed by them are thereby entirely abolished: but all the rights and privileges of the free white inhabitants are conferred on them, and the laws of the State are extended over the territory now occupied by them. All marriages of Indians according to usages deemed valid by them, are declared to be binding. Any one who shall assume the character of chief or head man, and in any manner exercise the office of such

<sup>1</sup> Niles's Register, Vol. XXXVIII., page 54.

chief, shall be subject, on conviction, to fine and imprisonment.

The bill which accompanies the report of the Committee in the Senate, providing for the exchange of lands, passed that body on the twenty-sixth of April, 1830.

By this bill, the President is authorised to lay off any of the public lands west of the Mississippi, to which the Indian title has been extinguished, into districts suitable for such Indian tribes as may remove thither, and exchange them for the lands of Indians resident within the limits of any of the States or territories; such lands to be guaranteed to the Indians for ever, but to revert to the United States in case the Indians become extinct, or remove out of the State. They are to be there protected, and to be placed under the same superintendence as is now exercised by the Executive. They are to be aided in their removal, and furnished with the means of support for one year. The improvements on their lands to be paid for according to their appraised value.

Some further provisions for their benefit were proposed by way of amendment — as, that they should be protected in their present rights and property until they shall choose to remove: that, before any removal, or any exchange of lands take place, the rights of the Indians shall be stipulated by treaty: that they shall be protected in the rights already guaranteed to them by treaty: and that nothing in this act shall be construed to authorise a departure from any treaty now subsisting between the United States and the Cherokees: all of which amendments were negatived by twenty-seven or twenty-eight votes to nineteen or twenty.

The feelings entertained towards the aborigines of this country who still remained within the limits of the individual States were very diverse in different parts of the Union.

Where there were none of these people, or but an insignificant number, a lively sympathy was felt for them when it was seen that their race was fast melting away after it came into contact with the whites; that those who roamed over this continent knowing no superior, except what war would occasionally give to victors of the same race, were gradually circumscribed in their hunting-grounds by the white intruders on their soil: that, finally, their exclusive property in it was denied, and they were compelled, by every thing short of personal violence, to abandon the lands on which they were reared, and where the bones of their fathers were buried, for a strange and distant wilderness: all this, too, after the lands they occupied had been repeatedly guaranteed to them by the most solemn treaties. The feelings of humanity, the principles of justice and good faith, and a regard for the character of the American people, all pleaded most forcibly in behalf of the Indians, who, moreover, uncivilized as they were, and exhibiting the vices of the savage, also displayed some of those noble traits of character which are man's proudest ornaments, whether savage or civilized.

But in those States in which the Indians were so numerous as to be styled nations, and to be even under a system of government adapted to their simple notions, resources, and wants, the case was very different. There, sympathy for the sad fate of the Indian race was smothered by the animosity caused by the perpetual conflicts between them and the whites.

In these conflicts there is reason to believe that the stronger party were commonly the aggressors. But however the dispute originated, after it once existed it was carried on, in their ruthless mode, against women and

children as well as men, and with a degree of cunning, added to their native bravery, which supplied the place of numbers. With a people thus radically differing from them in character, habits, and even color, between whom amalgamation was impossible, and over whom they could exercise no legal control, it was impossible they could be reconciled to such a neighbor; for, on any outbreak or affray, brought on by lawless and desperate men of either race, of whom there were some on both sides, they were liable at any time to have their houses invaded at midnight, and their wives, children, and themselves swept off in one common massacre. It is not wonderful, then, that they were unceasing in their efforts to get rid of such inconvenient and dangerous neighbors by buying their lands, and, if that was found impracticable, to adopt every expedient to make their residence uncomfortable; and lastly, on the great plea of self-preservation, to insist that they must consent to be either subject to the laws of the State, or to abandon it. Nor is there a people on earth who would have shown more forbearance, and probably very few who would have shown as much.

This local diversity of sentiment may serve to explain the several amendments that were proposed to the bill in the Senate for the removal of the Indians, by one party, and the rejection of them by the other, who being a majority, may be presumed to have had right on their side.

When the bill from the Senate was before the House of Representatives, similar amendments to those proposed in the Senate were there offered, and shared the same fate, except that they were rejected by smaller majorities; and the bill finally passed the House by one hundred and two votes to ninety-seven — a small number

of members from the Southern States voting with the North on the question.<sup>1</sup>

Though the tariff, or the protection of manufactures, was, at this time, the most interesting and important question before the nation, yet, as the policy which was favored by a majority of the Legislature was considered to be settled by the act of 1828, the chief interest it excited rather concerned the measures pursued by the opposing States, and chiefly South Carolina, which, having gone a step farther than any other State, had thus seemingly placed herself at the head of the opposition. But in Congress no one measure excited as much interest as the bank question—the institution having now ingratiated itself into favor with most of its members, by its utility in affording loans, as well as in facilitating the transmission of money from one State to another; and also, by the quiet with which it had performed its useful functions, thus escaping all complaint, and even all public notice. The President's censure on the bank, consequently, excited considerable surprise, and was disapproved by no small number of his avowed friends, as the measures brought forward in Congress during the ensuing session fully demonstrated.

A committee which had been appointed in the Senate, in December, for inquiring “into the expediency of establishing a uniform national currency,” made a report on the twenty-ninth of March.

They first consider the plan of a system of paper-money issued by the Government, which they unhesitatingly condemn, on considerations of political expediency. The objections to it they regard as fatal and insuperable: that the present currency of the United States, consisting

<sup>1</sup> These were Messrs. Doddridge, Mercer, and Randolph, of Virginia; and Letcher, of Kentucky.

of gold and silver, of paper of the United States bank, and of the solvent State banks, is practically sound and uniform, appears from the fact that the Government receives it indiscriminately at eight hundred and forty-three custom-houses, forty-two land-offices, and eight thousand and four post-offices; through one hundred and thirty-four receivers of internal revenue, thirty-seven marshals, and thirty-three clerks of courts; from whom it has received, in ten years before January, 1830, two hundred and thirty millions fifty-eight thousand eight hundred and fifty-five dollars, which amount has been disbursed, without any cost to the Government, at places thousands of miles from the points where it was collected.

They say that if the currency is thus sound and uniform for the Government, it is not less so to the community: that the paper of the local banks, being readily convertible into gold and silver, is good; and there is a general currency more known, more trusted, and more valuable than the local currency, which is employed in the exchanges between different parts of the country. This is furnished by the notes of the National Bank. In all commercial places they are received without any reduction in value, and never, under any circumstances, does the the paper from the remotest branches vary beyond a quarter of one per cent. in its actual exchange for silver. Here, then, is a currency as safe, beside being more convenient and more valuable than silver; which, through the whole Western, Southern, and interior parts of the Union, is eagerly sought in exchange for, and which there often bears a premium over silver; and which, whenever silver is needed, will command it without the slightest charge. By means of it, funds are transmitted at a less expense than in any other country.

Its drafts are preferred to bank-notes, and they can be always obtained from the bank at a charge never exceeding the half of one per cent. They contrast this state of things with that which existed before the National Bank was established. They say that the soundness of the currency may be further illustrated by the condition of foreign exchanges; since a person wishing to send money abroad can do so on better terms by sending bank-notes, or drafts purchased by bank-notes, than by sending silver. The committee therefore conclude that the present state of the currency is safe for the community, and useful to the Government. Under these circumstances, they deem it prudent to abstain from all legislation, to abide by the practical good the country enjoys, and to put nothing to hazard by doubtful experiments.

Another report upon the subject of the Bank was made by the Committee of Ways and Means, to whom it had been referred. The Committee discuss the following questions:

First. Has Congress the constitutional power to incorporate a bank, such as that of the United States?

Second. Is it expedient to establish and maintain such an institution?

Third. Is it expedient to establish a National Bank founded upon the credit of the Government and its revenues?

In considering the first question, they relied upon the fact that the power had been so long recognized by the different departments of the Government, as to establish its constitutionality; and that Mr. Madison, who had first denied the power, had afterwards given his sanction to it. To this they add the fact that both the great political parties have pronounced it to be constitutional; and lastly, the solemn decision of the Supreme Court.

The Committee then examine it, as if it were now an original question. Under the authority to pass all laws necessary and proper to carry into effect the powers expressly given, they think that Congress may create a corporation, which is one of the lowest attributes or incidents of sovereign power, as the corporation may be authorised to do nothing which individuals could not do without the charter, which is substantially the case with the bank charter.

They then show that a bank is "necessary and proper," that is, a natural and appropriate means of executing the powers vested in the Federal Government. By a train of ingenious and rather refined reasoning, they deduce this from the power "to coin money, and fix the value thereof;" and the prohibition to the States to coin money, or to make any thing but gold and silver a lawful tender in payment of debts; and from the provision, that "no preference shall be given, by any regulation of commerce or *revenue*, to the ports of one State over those of another."

Under these authorities and arguments, the Committee think the power to establish a bank is incidental to "the power of collecting and disbursing the public revenue; of borrowing money on the credit of the United States; of paying the public debt; and, above all, of fixing and regulating the standard of value, and thereby ensuring, at least as far as the medium of payment is concerned, the uniformity and equality of taxation."

They said that, as the States could not be prevented from creating banks, the question was not whether we should have a paper or metallic currency, but a paper currency of uniform value, and one of a fluctuating value, and subject to no adequate control. The depre-



ciation of the paper of the State banks during the war, and the evils which resulted, were then referred to.

They dissent from the President, that the Bank has failed to furnish "a uniform and sound currency." It is true, the paper issued at all the branches is not, in all cases, redeemed by the Bank; but this, they believe, was never expected. To require this, would be to compel the Bank to perform all the commercial exchanges of the country without compensation. It is, moreover, impracticable, and the attempt to do it caused the embarrassments of the Bank in 1819. But they, moreover, deny that this is necessary to the establishment of "a uniform and sound currency." The precious metals are thought to afford such a currency, and the Bank furnishes a paper of equal value to them. They are of equal value at the place where they are issued, and they furnish a cheaper and safer mode than the metals for transmitting values to a distance. The Bank has thus furnished a circulation more uniform than specie.

The Bank also contributes to give a uniform currency by compelling the State banks to redeem their notes in specie. But for the agency of this Bank, the State banks would not have resumed specie payments; and without that agency, they might again suspend them. Besides, if the State banks were the depositories of the public money, according to the selection of the Treasury Department, a most dangerous power would be thus placed in the hands of the Executive.

In comparing the advantages of continuing the present Bank with the establishment of another, with a new set of stockholders, they decidedly prefer the renewal of the present charter, both from considerations of justice and of public policy.

But to deprive the country of a National Bank, they

regard as a most serious calamity to the community at large. The mischiefs of withdrawing forty millions of capital from circulation are incalculable. It would press upon the local banks, as well as the commercial part of the nation; and the evil so great in peace, would be still greater in war. They pass a high eulogy on the management of the Bank under its two last Presidents, and its consequent improved resources, and more extended utility.

The Committee, in the third place, examine the policy of establishing "a National Bank founded upon the credit of the Government and its revenues."

To a Government bank, they consider the objections are numerous and unanswerable. If it were established at Washington, without branches, it could lend money only to the people of the District. Its business would be merely nominal, and its paper, limited only by the discretion of the Government, would, according to all experience, depreciate by its excess. If it had branches, the patronage and corrupting influence of the Government would be fearfully extended. Nor could the distant directors be prevented from availing themselves of this influence. In every aspect, it would be dangerous and unsafe to make the State a great money-lender, and besides influencing the elections, it would in time affect the character of the Government. While they, from an imperious sense of duty, thus frankly express their strong objections to a Government bank, they also express their conviction that the suggestion of the Chief Magistrate was dictated by the most disinterested patriotism.

Both the authors of these reports on the Bank—General Smith, of Maryland, in the Senate, and Mr. M'Duffie, of South Carolina, in the House—were friends of General Jackson, as were majorities of both commit-

tees; and their reports in favor of the Bank had the support of decisive majorities in both Houses. Ten thousand copies of Mr. M'Duffie's report were ordered to be printed by the House; and the friends of the Bank, in this conclusive evidence of the sentiments of the Legislature, considered that the question of the renewal of the charter was virtually settled. But it encountered the opposition of one who was not easily diverted from his purpose, which, as we shall see, opposition but served to confirm.

The numerous and important provisions of the tariff were, after the experience of two years, now considered to require modification. A bill was accordingly brought in for that purpose.

The chief object of the bill was to secure the execution of the law from false valuations, and other evasions; but Mr. M'Duffie proposed a repeal of the duties laid on woollens and iron by the act of 1824, and after an interval of one year, a further repeal of the duties laid by the act of 1824; but they were both rejected by large majorities.

A substitute for the bill was offered by Mr. Buchanan, of Pennsylvania, which provided only for the appointment of assistant appraisers in New York and Philadelphia, on goods paying an *ad valorem* duty, with some other details: which amendment was adopted.

An amendment to reduce the duty on salt from twenty to ten cents, after much opposition then and afterwards, finally prevailed. The duty on coffee was reduced to two cents a pound after the current year, and after the year 1831 to one cent per pound. The duty on cocoa underwent the same reduction, and the duty on tea was reduced in sums varying from twenty-five to four cents, according to the quality, and the place from whence im-

ported ; and the duty on molasses, from fifteen cents to five cents.

Mr. Cambreling, of New York, in favor of the free trade policy, offered a bill, by which all other nations were invited to reduce their duties on American products, on which reduction the President was authorised by proclamation to declare that the products of such nation should be subject to no higher impost in the United States. He, however, stated that he was aware that there was a majority of the House opposed to that policy, and he proposed to lay his bill on the table, to be called up again at the next session ; which course was adopted.

He had published a pamphlet on the injurious effects of the tariff of the United States on its navigation, which, however, was severely criticised, as much for its facts as its reasoning.

A bill had been passed at this session, which authorised the President to exchange lands of the Indians within any of the States and territories, by giving them lands in the territory west of the settlements ; to pay the assessed value of such improvements as belonged to individual Indians ; to assist them in emigrating, and to protect them afterwards.

At this session, James H. Peck, Judge of the District Court of Missouri, was impeached for illegally punishing Luke Edward Lawless, a member of the bar, for a contempt of court, in a publication reflecting on the Judge. But there not being time to go through the trial at this session, it was adjourned to the second Monday of the next session.

In consequence of despatches from Mr. M'Lane, the American Minister to Great Britain, that she was disposed to enter into an arrangement with the United States concerning the trade with her colonies, on the

principles of reciprocity, the President sent a message to Congress, recommending that a power be given to the Executive to carry such an arrangement into effect during the recess of Congress.

A bill was accordingly submitted by Mr. Cambreling, from the Committee on Commerce, by which it was provided that, on the President's receiving satisfactory assurance that Great Britain would open her ports in the West Indies, on the continent of South America, and the Bahama and Bermuda Islands, to the vessels of the United States, their vessels and cargoes should not be subject to higher duties or charges than would be imposed on British vessels or their cargoes arriving in the said colonies from the United States: that the vessels of the United States might import into the said colonies, from the United States, any products which might be imported in a British vessel, and that they might export to any country, other than the dominions of Great Britain, any article which might be exported in British vessels: that then the President might issue his proclamation, declaring he has received such evidence, and that the ports of the United States should be, in like manner, opened to the vessels of Great Britain, and their cargoes, arriving from any of the said colonies: the ports of each country to be opened to the vessels of the other on the same day.

In this way, the present Administration seemed about to reap the benefits of the retaliatory policy begun by its predecessor; but the prospect of complete reciprocity proved, as will be seen, illusory, and the arrangement was not carried into execution on those terms of perfect equality which Mr. McLane expected, and thought, perhaps too confidently, that he had actually stipulated.

A bill had passed both Houses of Congress, for sub-

scribing, on the part of the United States, to the stock of a turnpike road in Kentucky, commonly known as the Maysville Road; but the same was negatived by the President, not from any avowed constitutional scruples, but because it conflicted with the views which he had expressed in his message at the opening of the present session, when he suggested that, since there was an irreconcilable diversity of opinion as to the power of Congress to make roads and canals, he thought the surplus of revenue, after the public debt was discharged, should be divided among the States. He adds that the power of making a road by the General Government, without the sanction of the State, had never before been claimed, and this alone would be sufficient cause for rejection. He says that, under the force of many precedents, he should not feel himself bound to reject a bill which merely made appropriations of money to a public improvement; yet, in the present state of the public finances, he thought such appropriations inexpedient, until the public debt was discharged. His views, both on the constitutionality of the question, so far as it is to be determined by authority and precedent, and on the expediency of such improvements by the aid of the General Government, are very fully considered.<sup>1</sup>

There were, at this time, several lines of division between the parties in Congress—those who were in favor of protection to manufactures, and those who were in favor of free trade; those who admitted the power of Congress to make roads and canals, and those who denied it; those who were friends of the Bank, and those who were opposed to it: but the broadest line of demarcation was drawn between those who supported General Jackson, and those who were opposed to him. The merit

<sup>1</sup> Niles's Register, Vol. XXXIX., page 25.

or demerit which this reflected on an individual, superseded every other in the eyes of himself and his adherents; and however men may have differed from the Administration on any of the other points, if they had claims to be regarded as his personal friend, every other party error was forgiven. Some of his party, accordingly, were friendly to the Bank at this time; some to the cause of internal improvements; some to manufactures; and others, again, were supporters of all these measures.

Never before had parties turned on considerations merely personal to an individual, and involving no political principle; and hence it was, perhaps, that they had unusual bitterness. When Congress rose, on the twenty-sixth of May, the members parted in a more excited state of political feeling than had been before exhibited for several years. This continued to be the chief line of party divisions throughout the whole of General Jackson's administration; and it comprehended individuals of all the parties which had previously existed in the United States—Federalists and Democrats, States' rights men and latitudinarians, Bank and anti-Bank, tariff and anti-tariff partisans—the friends and enemies to internal improvements at the national expense—men who agreed in nothing else but in their wish to keep General Jackson in office, and to keep out his opponents. Thus prompted, they supported him in every assertion of power which he thought proper to make.

The veto of the Maysville Road was violently resented by the people of Kentucky. A long address was put forth in June by a corresponding committee of Fayette county, in that State, in which the course of General Jackson as President was very fully examined, and very severely assailed. They dwelt in particular on the con-

trast between his acts and his previous professions, in the appointment of members of Congress and editors of newspapers to office, and of his unscrupulous removals for the sake of rewarding his friends and adherents. In a comparison of his Administration with that of his predecessors, they state that the number of removals by Washington, in eight years, was eleven; by John Adams, in four years, eleven; by Mr. Jefferson, in eight years, thirty-six; by Mr. Madison, in eight years, five; by Mr. Monroe, in eight years, nine; by John Quincy Adams, two; under General Jackson, in the first year, two thousand.

A treaty or convention was made with Denmark, in March, 1830, by which the King of that country agreed to renounce all claims for indemnity, and to pay to the United States, in satisfaction of the claims of their citizens, six hundred and fifty thousand dollars; these claims to be ascertained by three Commissioners of the United States, and this sum to be distributed among the claimants in a rateable proportion.

As the Cherokee lands in Georgia were found to abound in gold, which both Indians and others at once began to collect, Governor Gilmer, in June, issued a proclamation forbidding, under pain of prosecution, all persons, even the Indians themselves, from digging for gold upon these lands; and on the same day he issued another proclamation, reciting the act of the State for extending the laws of Georgia over the Cherokee territory, warning all persons against its violation, and calling upon the officers of the State to enforce its provisions.

In consequence of these measures of the State, the Cherokees met in council at New Echota, in July, and there prepared an address to the people of the United States, in which they made an animated and final



appeal in behalf of the just claims of their nation. They insist on their exclusive right to the soil of the lands occupied by them, which had been repeatedly recognized by the authorities of the United States, which they had done nothing to forfeit, and had never surrendered : that they wished "to remain on the land of their fathers:" and that if they were compelled to leave their country, they could see nothing but ruin before them. They state numerous difficulties to be encountered in going to a new country, which had so little to recommend it; and they entreat those whom they address to remember the great law of love, "Do to others as you would that others should do to you." It was signed by the President and thirteen members of the Committee, and the Speaker and twenty-one members of the Council—they having adopted two deliberative assemblies, in imitation of the Federal and State Governments.

Of these people, all were at liberty to remain on their lands, but were subjected to the laws of the State, and were promised protection from private intruders on their possessions; but they were distinctly told by the President that with any acts of the State, however they might bear upon Indian interests or rights, the General Government should not interfere—for the sovereignty of the State over them was complete, and beyond control.

The Cherokees then consulted with Mr. Wirt, late Attorney-general of the United States, and he told them that the Supreme Court could decide the question between them and the State of Georgia. Mr. Wirt then wrote to Governor Gilmer, stating the consultation and his advice, and hoped that Georgia would rather approve than object to this appeal to the Supreme Court. With a view to a decision, he proposes, on behalf of the Cherokees, to make a case, by consent.

Governor Gilmer's reply peremptorily rejected the proposal, superadding to his rejection an unfavorable account of the Cherokees, except some of the descendants of whites among them, who have been educated, and become rich; at the same time treating the apologetical professions of Mr. Wirt with a tone of sarcasm bordering on contempt.

In a very full and elaborate opinion given by Mr. Wirt, he comes to the conclusion :

First. That the Cherokees are a sovereign nation, and that their having placed themselves under the protection of the United States does not at all impair their sovereignty and independence as a nation.

Second. That the territory of the Cherokees is not within the jurisdiction of the State of Georgia, but within the sole and exclusive jurisdiction of the Cherokee nation.

Third. That, consequently, the State of Georgia has no right to extend her laws over that territory.

Fourth. That the law of Georgia—thus extending its jurisdiction—is unconstitutional and void: First, because it is repugnant to the treaties between the United States and the Cherokee nation; second, because it is repugnant to a law of the United States, passed in 1802: third, because it is repugnant to the Constitution, inasmuch as it impairs the obligation of all the contracts arising under the treaties with the Cherokees; and affects, moreover, to *regulate intercourse with an Indian tribe*, a power which belongs exclusively to Congress.

It was soon afterwards decided by the Supreme Court of the United States, that the Cherokee Indians did not constitute a foreign and independent *nation*, in the sense of the Constitution; but were domestic, dependent nations, in a state of "pupillage" to the United States, in

a relation corresponding to that which wards have to their guardians. Of course, the Court could not take cognizance of cases in which it was sought to make them parties as nations; and the injunction they applied for against the State of Georgia was refused. Their rights to the lands guaranteed to them, however, seem to have been expressly recognized.

On the fifth of October, the President having received satisfactory evidence that Great Britain would open her colonial ports for an indefinite period to the vessels of the United States, he therefore declares that the ports of the United States are open to the vessels of Great Britain, and that the acts of Congress conflicting with such intercourse are thenceforth repealed.

In the course of the summer the American people were electrified with intelligence of a new revolution in France. The Government having shown a determination to refuse that liberty of the press which had been promised, a revolution was planned and executed after a civil contest in the streets of Paris of only three days. Charles the Tenth was deposed, and the crown bestowed on Louis Philippe, the eldest son of the Duke of Orleans, who was quietly installed into office; and in a short time the Government exercised all its functions and authority, as if no change had taken place. The American Minister, Mr. Rives, was the first of the diplomatic corps to recognize the new sovereign. A constitutional charter, of a more liberal character than the political constitution it superseded, was to be signed by Louis Philippe, on the seventh of August, 1830.

Congress assembled on the day appointed by the Constitution, the first Monday of December; and the following day, the President's opening message was received.

Its unusual length requires that it be more than usually abridged.

After a favorable notice of the steady advancement of the nation, he remarks that the apparent exceptions "to the harmony of the prospect" are to be referred rather to the inevitable diversities of interests, than to any want of attachment to the Union; and which, in the end, serve only to foster the spirit of conciliation and patriotism.

In the notice of our foreign relations, he first mentions the recent change of dynasty in France. In congratulating Congress on that event, he does not mean to depart, in the slightest degree, from the salutary maxim of Washington, against all interference in the internal affairs of other nations.

He next adverts to the arrangement with Great Britain on the trade between the United States and her colonies; and then gives a succinct history of this trade, from the time of the separation from her. He anticipates great benefits from the arrangement, and it affords him an occasion of passing a high eulogy on "the talent and exertion of the Minister who negotiated it."

The trade with the Black Sea has also been secured to the United States by treaty, and our trade with Turkey is placed on the footing of the most favored nation. Our relations with Russia are "of the most stable character." He then mentions the treaty with Denmark, and the negotiations still going on with France, and other countries, for indemnity to our citizens.

He returns two bills to Congress, which passed just before the close of the last session, with the reasons which compelled him to withhold his refusal. These were, to authorise a subscription of stock to the Louis-

ville and Portland Canal, and for building light-houses and light-boats.

To the last he objects, as not being required, and involving much expense. From a bill making *direct* appropriations to such objects, he would not have withheld his assent. He objects to the practice of mingling the concerns of the General Government with those of the States or of individuals, as on several accounts objectionable, and even dangerous. He here adverts to the views which he had expressed in his veto of the Maysville and Rockville Road bills, which he thinks, after allowing for the inherent uncertainty of public sentiment, he believes have been approved by the great body of the people. He shall therefore adhere to the same course.

He defends himself at some length for the exercise of his negative power, as well as for his objections to "local appropriations;" and he copiously justifies his former recommendation to distribute among the States the surplus funds in the treasury.

He again calls their attention to the subject of electing the President and Vice-President, strongly urging that the people should have a direct choice of these officers; and that the President should not be re-eligible.

He congratulates the country on the prospect of the speedy removal of the Indians beyond the settlements of the whites, which will eventually be better for the Indians themselves. The Chickasaws and Choctaws have already determined to avail themselves of the liberal offers presented by the act of Congress, and treaties have been made with them for that purpose. Though philanthropy has long wept over the fate of the aborigines of this country, its progress has never been for a moment arrested. Yet no good man would prefer seeing a country covered with forests, and ranged by a few thousand

savages, to one extensive republic, studded with cities, towns, and prosperous farms, embellished with all the improvements that art can devise, or industry execute.

The present policy of the Government continues "the same progressive change by a milder process." The waves of population and civilization are rolling westward, and we now propose to acquire the countries occupied by the red men by a fair exchange, and to send them, at the expense of the United States, to a land where their existence may be prolonged. On the benefits of this policy to the United States he earnestly dilates; and Georgia has, moreover, a right to insist upon it, by force of an express contract.

In his mention of the tariff, he maintains that, while the chief object should be revenue, it may also be adjusted to the encouragement of manufactures. He thinks the effects of the last, both as to its mischiefs and advantages, are greatly overrated, but that it needs revision; and in its adjustment, every particular interest claiming protection ought to be decided on singly, and on its own merits. He hopes that the deliberations on this subject will be uninfluenced by those party conflicts that are incident to free institutions.

The receipts for the present year are estimated to be more than twenty-four millions of dollars, which somewhat exceeds the previous estimates. The total expenditure for the year, exclusive of the public debt, is less than fourteen millions, leaving near five millions in the treasury. Efficient regulations have been introduced into the Treasury Department, for the furtherance of economy, the prevention of fraud, and to secure the accountability of officers.

The prosperity of the country has been further evinced by the increased sale of the public lands.

For the legislation which concerns the different Departments, he refers to the reports from their respective Secretaries.

He suggests that, notwithstanding the creation of the office of Solicitor of the Treasury, the duties and powers of the office of the Attorney-general should be extended; that he should have the general superintendence of all the law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States are interested; and that his compensation should be the same as that of other members of the Cabinet.

The attention of Congress is also particularly called to the concerns of the District of Columbia.

He again brings to their notice the question of rechartering the Bank of the United States. The apprehensions entertained by many of our citizens from this institution still continue; and it becomes us to inquire whether the advantages now conferred may not be afforded by another bank, differently organized, so as to obviate constitutional and other objections.

He then remarks that it is thought practicable to organize such a bank, as a branch of the Treasury Department, based upon the public and individual deposits, without power to make loans or purchase property, which should remit the funds of the Government—its expenses to be defrayed by allowing it to sell bills of exchange at a moderate premium. “Not being a corporate body, having no stockholders, debtors, or property, it would not be liable to the constitutional objections urged against the present Bank;” and having “no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that Bank formidable. The States would be strengthened by having the exclusive power of fur-

nishing the paper currency, while the Bank of the United States, through issuing no paper, would check the issues of the State banks, by taking their notes in payment or deposit, only so long as they were redeemed in specie.

This message had a similar effect on the issue of bank stock to that produced by the message of the preceding session — it lowered its price; but it rose again after the reports of General Smith and Mr. M'Duffie, and fell again after this message.

One of the first acts of the session was the trial of the impeachment of Judge Peck. The case was decided on the thirty-first of January, 1831; and, on the question of guilty, there were twenty-two votes in the negative to twenty-one in the affirmative, instead of two-thirds required by the Constitution — so that he was acquitted. Though not a complete party vote, yet there were but very few of the friends of the Administration who did not vote in favor of the impeachment, and perhaps not one of its opponents who did not vote against it.

On the third of January, the President communicated to Congress the papers relative to the late commercial arrangement made with Great Britain; remarking, at the same time, that, owing to an omission in the act of the twenty-ninth of May last, claims might be set up by them, consistent with the agreement, as understood by the parties, which had led to satisfactory explanations between Mr. M'Lane and Lord Aberdeen; to which interpretation he had readily given his sanction.

The papers submitted consist of instructions from Mr. Van Buren, Secretary of State, to Mr. M'Lane; the correspondence between Mr. Van Buren and Mr. M'Lane; the correspondence between Mr. M'Lane and Lord Aberdeen; the President's proclamation; circular letter to



the collectors; the British order in council of the fifth of November, 1830; and the British schedule of duties.

The first document, the letter from Mr. Van Buren to Mr. M'Lane, giving him instructions on this subject, deserves more particular notice, as it had an important influence on the part which that gentleman afterwards acted in the councils of his country; first, in occasioning his rejection by the Senate as Minister to Great Britain, and probably afterwards in mainly contributing to elevate him to the Presidential chair. It therefore deserves an especial notice.

This letter begins with giving to the Envoy a very full and clear history of the whole question of commercial intercourse between the United States and the colonies of Great Britain, and of the measures pursued by each nation in maintenance of its policy, whether diplomatic or legislative, until all direct intercourse was prohibited by both nations.

He then adds: "In reviewing the events which have preceded, and more or less contributed to a result so much to be regretted, there will be found three grounds upon which we are most assailable. First. In our too long and too tenaciously resisting the right of Great Britain to impose protecting duties on her colonies. Secondly. In not relieving her vessels from the restriction of returning direct from the United States to the colonies, after permission had been given by Great Britain to our vessels to clear out from the colonies to any other than a British port. Thirdly. In omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted on by our Government." It is, without doubt, to the combined operations of these causes that we are to attribute the British interdict.

"You will therefore see," he adds, "the propriety of possessing yourself fully of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced."

After noticing the state of the circuitous trade which had been the consequence of the suppression of the direct trade, by which the colonial consumption of our products is reduced about one-half, and they have to pay for it from fifteen to fifty per cent. more, he remarks, "It is the anxious wish of the President to put an end to a state of things so injurious to all parties. He is willing to regulate the trade upon terms of reciprocal advantage, and upon the terms which Great Britain herself offered by the act of July, 1825;" and Mr. M'Lane is directed to propose that the ports of each party shall be opened to the vessels of the other, and to abolish the restriction in our act of 1823, on condition that Great Britain will allow to American vessels the privileges offered by the act of July, 1825.

After urging the benefits of restoring the commercial intercourse, he says, "If the omission of this Government to accept of the terms proposed, when heretofore offered, be urged as an objection to their adoption now, it will be your duty to make the British Government sensible of the injustice and inexpediency of such a course."

He then proceeds to instruct him to introduce the very delicate topic of domestic politics in a negotiation, and to take a merit with a foreign government, by throwing the blame of the past difficulties between the two countries on the former Administration, and so far become the apologist or advocate of the foreign country against that Administration. He uses this language :

"The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful to do so) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that trade have been submitted to the people of the United States; and the counsels by which it is now directed are the result of the judgment expressed by the only earthly tribunal to which the late Administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors."

He says that if Great Britain deems it against her interests to allow us to trade with her colonies, he hopes "she will be sensible of the propriety of placing her refusal on these grounds. To set up the acts of the late Administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility;" more especially as she has opened her colonial ports to Russia and France.

The rest of the letter suggests answers to other objections, and that the President is willing that the object may be effected either by treaty or legislation, as the British Government may prefer.

The undignified course of making a merit with a foreign government for the delinquency of a rival party

home, is again taken in the conclusion of the letter, in which he says :

"I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain. Without such an assurance on her part, your mission, so far as relates to the colonial trade, must be wholly inoperative : " and he adds, that, if she wished, the United States, "in expiation of supposed past encroachments, would be driven to the necessity of retracing their legislative steps, without any certainty of its effect, and wholly dependent upon the indulgence of Great Britain. He suggests the improbability that Congress will take any further action on the subject.

In Mr. M'Lane's correspondence with Lord Aberdeen, he followed this part of his instructions in a very guarded manner, so as to avoid the indecorum of throwing direct blame on the preceding Administration of the United States. He says : "The undersigned need not here enter into a particular defence of the omission, on the part of the United States, seasonably to embrace the offer of the direct trade by Great Britain, in the year 1825, and to which allusion has so frequently been made. *Whether it be subject more of regret or censure, it ought to be enough that the claims advanced in justification of it have since been abandoned by those who made them, have received no sanction from the people of the United States, and that they are not now revived.*"

This unwonted course of conciliation was not lost on Lord Aberdeen. Referring to the recent act of Congress, he quotes Mr. M'Lane's remark, that "it concedes, in its terms, all the power in the regulation of the colonial trade, and authorises the President to confer on British

subjects all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired."

"In this declaration," he adds, "the undersigned is happy to observe the same spirit and disposition which dictated Mr. M'Lane's former communications, wherein he announced the readiness and desire of the American Government 'to comply with the conditions of the act of Parliament of 1825;' and also that the claims advanced in justification of the omission of the United States to embrace the offers of this country, have been abandoned by those who urged them, and have received no sanction from the people of the United States."

After an amicable discussion, in which some supposed ambiguities in the act of Congress received a satisfactory explanation, the arrangement was made in August; and the direct commercial intercourse between the United States and the British islands, that had been for several years suspended, to the injury of both parties, was renewed on a more enlarged footing than it had ever stood on before.

We shall find that the agreeable anticipations of the Government were but partially realized.

The question of protecting American manufactures by means of an impost, continued to agitate the country more and more, both in and out of Congress; and the opposition to it assumed a more serious character, especially from South Carolina, in which State most of her leading men openly avowed the doctrine that the tariff law, being evidently intended for protection, instead of revenue, was contrary to the Constitution of the United States, and consequently void; that it was competent to the State to declare it null, and to resist its execution; that, finally, the terms of the Federal compact being thus

clearly violated, she might, as one of the original parties, secede from the Confederacy.

These threatening signs of discord and of violent political strife, and perhaps of civil war, did not dispose the friends of manufactures to relax from the advantage which they had obtained: they were, on the contrary, inclined to its unqualified support, and to object to all alterations and amendments.

In the month of January, Mr. Mallory, of Vermont, Chairman of the Committee on Manufactures, made an elaborate report on the subject.

The Committee say that the effects of the late tariff have "answered the hopes of its most ardent friends." They are highly gratified that its constitutionality has the sanction of the President, whose argument they cite, and enlarge upon. They dissent, however, from him, that its chief object should be *revenue*, rather than *protection*; and regard the last as a primary, not a secondary object. They also criticise the higher claims for protection which he allows to "articles of national defence," as practically obscure, and as too restrictive. They deny that, after a temporary protection has been extended to a manufacture for a reasonable period, if it "cannot then compete with foreign labor on equal terms," it does not merit protection; and say that, if foreign cotton goods were now admitted free of duty, the cotton manufactures, which have been at once so flourishing and so reduced in price, would be irretrievably ruined. They further deny that protection should be confined to objects of "national importance," but insist that it should also be extended to "local objects," which they in fact show most of the products of the soil to be — as butter and cheese, iron, hemp, and sugar.

They question the correctness of the President's theory,

that the reduced price of domestic productions is the effect of the increased value of the precious metals. They refer the reduction altogether to the increased competition.

They entirely object to his plan of deciding whether an article deserves protection by considering it *singly*, as one that would prevent the adoption of any tariff. It is necessary, they say, that the different interests should act in concert, and give their united support to a system matured by their common counsels and mutual concessions.

They deny that additional duties are taxes on the consumer; and maintain that, "in all cases where the material is found at home, and the protection has been adequate, the domestic article becomes cheaper in price, and improved in quality."

They thus sum up the character of the last tariff: "that no interest which it has undertaken to protect is too minute," that it contains no evidence of attempts "to force manufactures for which the country is not ripe," of sufficient importance to require revision: that "no comforts of life are taxed unnecessarily high," with a proper regard to revenue and protection: that "the low prices of manufactured articles" have not been caused by "the increased value of the precious metals," which were never before so abundant and cheap in the United States: they believe that "the present general prosperity of the country is mainly to be attributed to the protecting system:" and they are decidedly averse to any change in its provisions, as calculated to excite alarm among the great interests of the country, and to shake their confidence in the plighted faith of the Government.

The minority of the Committee, however, presented

a counter-report, which was submitted by Mr. Monell, of New York.

This is very little more than an echo of the opinions advanced by the President, which they invariably sustain wherever they have been at all impugned by the majority of the Committee: and it was not a little remarkable, that those whom the President substantially agreed with, on the great question of the constitutionality of the tariff, which then divided the nation, should have opposed nearly all his views in detail; while the minority, dissatisfied with the existing tariff, and desirous of reforming it, concur with the President in all his views, even with that of the constitutionality of protection. It forcibly illustrates of what absorbing and predominant importance were the President's individual opinions — since, on so interesting a topic as the tariff, these constituted the principal object both of attack and defence.

Amidst the evidences of party spirit which the country every where exhibited, in Congress and out of it, when so many are led by ambition or cupidity to encourage it for their own advantage, and when its domineering influence with the multitude is often sufficient to bear down all opposition offered by conscience, affection, or patriotism, it is gratifying to find, now and then, occasions when men have shown virtue and firmness enough to resist its sway.

In the act of Congress for regulating the judiciary, which passed in 1789, there is a provision that, whenever a State court decides a law of Congress or treaty to be void, or where the constitutionality of any statute or act of a State is questioned, or where the construction of the Constitution of the United States or of a treaty is involved in a controversy, in all such cases appellate jurisdiction is given to the Supreme Court of the United States to



re-examine such decision : and it having been recently decided that this provision was not repealed by the eleventh amendment to the Constitution of the United States, which declared that no suit should thereafter be brought against any State, but that all decisions by the State courts on the Federal Constitution were to be settled by the Supreme Court, as if that amendment had never been adopted. This doctrine was, however, opposed by the Court of Appeals of Virginia, which denied the authority of the Supreme Court to issue a citation against them ; and the authority of the Supreme Court being also disputed by Georgia, which had been brought into collision with the Indian claimants before that tribunal ; and also by South Carolina, who anticipated a similar conflict, in consequence of her expected attempts at nullification. In consequence, then, of this obstacle to the assumed powers of the States, it was proposed to repeal this clause of the judiciary act ; and a report to that effect was made by a majority of the select committee to whom the subject was referred.

The committee think the clause of the judiciary act in question exceeds the powers meant to be given by the Constitution, which, they say, intended to confine the appeals to the Supreme Court to those from inferior Federal Courts, and not from State Courts. In their argument against the power, they rely on the Kentucky resolutions of 1798, and on those of the same State in 1799, said to have been drawn by Mr. Jefferson ; and lastly, on the opinion delivered by the Court of Appeals in Virginia, in the case of Hunter against Fairfax, and on the decision of the Supreme Court of Pennsylvania, in the case of the Commonwealth against Cobbett.

A counter-report was offered by a minority of the committee, who insist that the provision sought to be re-

pealed was necessary to make effectual that clause of the Constitution which declares that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made under their authority." Without such a law, all uniformity in their interpretation would be destroyed.

They urge several other reasons why this clause should not be repealed, and among them, that its repeal would endanger the existence of the Union; and they adduce several cases in which the most important laws enacted by Congress might be annulled by uncontrolled State legislation. To show that this clause of the judiciary act is not inconsistent with the eleventh amendment to the Constitution, they rely on the opinion of the Supreme Court of the United States in the case of *Cohens against Virginia*, which they quote at full length.

This counter-report was drawn by Mr. Buchanan, of Pennsylvania, the Chairman of the Judiciary Committee, and his arguments were deemed conclusive by a large majority of the House.

On the question, whether the bill to repeal the provision be rejected, before it proceeded to a second reading, there were one hundred and thirty-four affirmative votes to fifty-four negative; and thus the power of self-vindication, which the Constitution had meant to give to our complex system of polity, through the judiciary, against the encroachments of the States, was left unimpaired. The encroachments of the General Government are left to the correction of the people, who, put in motion by the State authorities, ever jealous and vigilant, are likely to prove a prompt and sufficient corrective.

The public were much occupied this winter with a correspondence, and open rupture, between the two highest officers of the Government—the President and Vice-Pres-

sident. General Jackson having, in the course of the preceding year, been informed that Mr. Calhoun had disapproved his course in the Seminole campaign, and had even gone so far as to propose that he should be subjected to a court-martial; knowing that, at a subsequent period, Mr. Calhoun had been one of his warmest and most efficient supporters, and inferring, from his letter, that he had also been his friend in the Cabinet, he was at first incredulous; but having seen a letter from Mr. Crawford, in which the fact of Mr. Calhoun's dissatisfaction with the General's course was distinctly announced, he wrote to Mr. Calhoun, informing him of what he had heard, and inquired if the information was correct. Mr. Calhoun's reply admitted the facts, and expressed surprise that General Jackson could, even for a moment, have believed that Mr. Calhoun had construed his orders as he himself had done, and which supposition was inconsistent with the official letters which the General had received. He said he had, nevertheless, been General Jackson's friend, and had given him substantial evidences of his friendship; but that friendship had not made him blind to the fact that the General had transcended his orders, and that he had never said or done any thing inconsistent with that opinion.

To this letter General Jackson gave a short reply. He said that the object of his letter was not to call in question Mr. Calhoun's conduct or motives, but merely to know the facts: that when he was told it was Mr. Calhoun, and not Mr. Crawford, who had been "secretly endeavoring to destroy his reputation," he had indignantly repelled the imputation, as Mr. Calhoun had, in all his letters, entirely approved the General's conduct in the Seminole campaign; and that he had too high an opinion of Mr. Calhoun to believe him "capable of such

deception:" but that now he himself admits the facts. He remarks that the papers in his possession show that he himself had authority for all he had done in Florida, and that Mr. Calhoun's letter gives him the first intimation that he ever entertained any other opinion of them. He then concludes: "Understanding you now, no further communication with you on this subject is necessary."

Mr. Calhoun, however, again writes to the General. He denies the charge that he had been secretly endeavoring to injure General Jackson, which opinion he imputes to the acts of his enemies; and insists that he had performed every duty which friendship imposed. He repeats that General Jackson must have known that his own construction of his orders differed from that made by the Administration, and especially by Mr. Calhoun.

He says that the charge which General Jackson has brought against him, vitally affecting his character for sincerity and honor, and which has caused a rupture in their long-continued friendship, "has no other foundation but that of a difference between them in the construction of the General's orders." He insists on his competency to construe the orders issued by himself; and that he could have no motive for wishing to conceal his opinions.

The subsequent part of the correspondence relates to incidental matters, such as the sources whence General Jackson derived his information, and the propriety of his course, or that of his friends, in obtaining it. The whole was soon afterwards published by Mr. Calhoun in a pamphlet, with an appendix containing the correspondence between Mr. Monroe and General Jackson during the Seminole campaign; with some certificates from members of Congress, and the members of Mr. Mon-

roe's Cabinet, to corroborate the statements of Mr. Calhoun.

After the publication of this pamphlet, Mr. James A. Hamilton, of New York, conceiving himself alluded to by Mr. Calhoun, as being concerned in the conspiracy against him, made a publication, in which he detailed the circumstances which induced him to inquire, first of Mr. Forsyth, and then of Mr. Calhoun, as to the course taken in Mr. Monroe's Cabinet respecting General Jackson; and how he came to the knowledge, first from Mr. Forsyth, and then from Mr. Calhoun, that it was the last-named gentleman, and not Mr. Crawford, who had censured General Jackson for disobedience of orders. He further suggested how these facts probably came to the knowledge of General Jackson.

As Mr. Hamilton lived in New York, and was the known friend of Mr. Van Buren, and as the motive which he assigned for the inquiry into what passed in the Cabinet did not seem entirely satisfactory, nor that of making the request of Mr. Calhoun for a statement in writing, some suspicion attached to Mr. Van Buren for having laid the plan for developing the affair, which was so likely to injure Mr. Calhoun with General Jackson, and, moreover, subject him to the imputation of having been at least disingenuous on the occasion.

To repel these suspicions, which had been noticed in some of the journals, Mr. Van Buren authorised the editor of the United States Telegraph to deny, in the most unqualified terms, that Mr. James A. Hamilton's applications to Mr. Forsyth, or Mr. Calhoun, were made by his advice or procurement: that they were made without even his knowledge: and that he had taken no part in the matters connected with them. He also denied all participation in any attempt, in 1827 or 1828,

to prejudice the Vice-President in the good opinion of General Jackson. He appeals to all who have been actors in the transactions referred to, for the correctness of his declaration — dated the thirty-first of February, 1831.

In this controversy it happened, as in most others, that neither party went unscathed. Mr. Calhoun, though he was perfectly justified, and it was even creditable to him to wish to hold a successful and popular General amenable to the laws which he had violated, seems liable to the charge of receiving a credit, both with General Jackson and his numerous friends, for a defence of him, to which he was not entitled—and to passively see (even if he did not actively promote it) Mr. Crawford receiving a censure which he himself much better deserved. In his letters to General Jackson, he seemed rather to deprecate, and try to soften the General's resentment, than to repel it with the indignation which the harsh and offensive language of Jackson was calculated to provoke in one who was conscious of his own rectitude, and who had a high sense of self-respect.

Nor could General Jackson altogether escape censure, though he was less injured by the affair than Mr. Calhoun. If he felt himself ill-treated by Mr. Calhoun's attempt to subject him to censure for transcending his orders, he might have considered that offence expiated by Mr. Calhoun's subsequently uniting in the course of forbearance recommended by the President; and yet more, by the valuable aid afforded him in the Presidential canvass. Besides, as Mr. Calhoun had the concurrence of the rest of the Cabinet to justify his opinion that General Jackson had exceeded his orders, and as he could have had no other motive than a sense of official duty for taking that ground, it would have been mag-

unanimous in General Jackson to admit that he himself might have erred, and though he had not, to forgive a censure which he who made it alleged was dictated solely by a sense of public duty, and which there was no good reason for believing had been caused by any other motive. It indicated a haughty and vindictive spirit, that recent benefits, of a substantial character, were deemed no compensation for former censure — a censure, moreover, not persisted in, and followed ever afterwards by a support at once warm and efficient.

The General's course seemed, however, to have had no effect in lessening his popularity, as already he was nominated for the next Presidency by the Legislatures of Alabama, Illinois, New York, North Carolina, and Tennessee, though the election was not to take place until the next year. His opponents looked to Mr. Clay as their candidate; and at the close of the twenty-first Congress, the members returned to their homes to canvass for the coming contest.

Among the subjects which were most productive of debate, at this session, was the claim of Mr. Monroe, the late President, against the United States, for extra losses and services, while he was Minister abroad; which debate was, to all appearance, exempt from the wonted influence of party spirit.

The bill for the relief of Mr. Monroe was the one reported at the last session, and which proposed to pay him about sixty-eight thousand dollars. It was warmly and ably supported by Mr. Mercer, in whose district Mr. Monroe then resided.

In consequence of the failure of the claim at the preceding session, memorials, with numerous signatures, from Virginia, New York, and Maryland, had been sent to Congress, in favor of the claim. It met, however, with

decided opposition, principally on the ground that a similar claim, to the amount of twenty-eight thousand dollars, had been allowed to Mr. Monroe in 1826 : that, by express stipulation, he had been denied an outfit, which he had since received ; and that the United States were not in the habit of paying interest : and after having been repeatedly discussed, and undergone several amendments, the bill was rejected (by striking out the enacting clause) in the Committee of the Whole. In the House, however, the bill was restored in a new form, by which the sum proposed to be given was much reduced ; and in this form it passed by one hundred and four votes to eighty-eight.<sup>1</sup> The bill, as thus modified, authorised the payment of thirty thousand dollars to Mr. Monroe, "for public services, losses, and sacrifices;" provided that the accounting officers should, on examination, "believe so much due to him, upon the principles of equity and justice."

As no member who opposed the claim questioned the losses and expenses stated in Mr. Monroe's account, and as it was notorious that the Ministers of the United States abroad must often exceed their stated compensation, or be subjected, as well as their country, to the imputation of meanness, the allowance made would seem to be an act of sheer justice ; but, since it had not also the sanction of strict law or usage, several members, of known liberality as well as probity, were induced to state calmly to the House that, after examining the claim, they did not consider any thing due to Mr. Monroe. Disapprobation of this character greatly alloyed the pleasure afforded to his friends, who were pained thus to see a shadow cast on the sunset of a meritorious life which had been otherwise so unclouded.

<sup>1</sup> Register of Debates, for 1831, page 614.



A spirited and able debate also occurred in the Senate on the relative powers of the Executive and the Senate in making certain appointments. During Mr. Adams's administration, he had appointed two agents as Commissioners to negotiate a commercial treaty with Turkey; but not having succeeded, General Jackson appointed a third Commissioner, Mr. Rhind, who succeeded in negotiating a treaty. These appointments had all been made in the recess of the Senate, and had never received the sanction of that body, or been communicated to it.

While the general appropriation bill was before the Senate, Mr. Tazewell moved to strike out that part which allowed compensation to the Commissioners employed in negotiating a treaty with Turkey, as their appointment had not been submitted to the Senate at the ensuing session.

He supported his views with his wonted ingenuity and ability; and he maintained that, for the President to make an appointment without nominating to the Senate, three things must concur: there must be a *vacancy*; this vacancy must have *happened*; and this happening must have occurred during the *recess of the Senate*: not one of which existed on the twelfth of September, 1829, when the appointments were made.

After some discussion of the question, Mr. Kane, by way of obviating a part of the objections made by Mr. Tazewell, offered an amendment, "to strike out the item as proposed by Mr. Tazewell, and to appropriate a certain sum to the persons heretofore employed in our intercourse with the Sublime Porte."

After a few days, the discussion was renewed. Mr. Tazewell renewed his opposition. He professed himself willing to give these Commissioners compensation for their services, but not to vote them salaries and outfits,

as a matter of right, under an appointment which the President had no authority to make.

He was opposed by Messrs. Kane, Livingston, Brown, Smith of Maryland, and Forsyth, principally on the ground of precedents during every Administration, from Washington to Adams; and on account of the inconvenience which would arise if Mr. Tazewell's construction of the Constitution was adhered to.

Mr. Tazewell was supported by his colleague, Mr. Tyler, who moved an amendment to Mr. Kane's proposition—a proviso that nothing contained in the act should be construed as sanctioning the appointment of Commissioners to negotiate a treaty, “during the recess of the Senate, and without their advice and consent.”

Mr. Kane's amendment was adopted by twenty-two votes to twenty-one; and then Mr. Tyler's proviso, by twenty-five votes to eighteen.<sup>1</sup>

According to the first of these decisions, the President may appoint secret, or informal agents, without consulting the Senate; and according to the second, Mr. Tazewell's construction of the Constitution (which seemed to be logically deduced from its language) received the sanction of the Senate, though it might lead to practical inconvenience, and occasionally defeat the seeming intention of that instrument.

When the bill was returned to the House with the Senate's amendments, the whole discussion was renewed; the result of which was, that Mr. Kane's amendment and Mr. Tyler's proviso were struck out. The two Houses disagreed on this point; but, after a conference, they concurred in passing the appropriation without these amendments: and thus a sanction was given to the pre-

<sup>1</sup> Register of Debates, for 1831, page 310.

vious practice of the Government, of filling all Executive offices as soon as they are vacant.

The appropriation bill gave rise to another animated and protracted debate. Mr. Randolph, who had never before received any Executive appointment, was tendered the place of Minister to Russia, which he accepted; but finding, after his arrival in St. Petersburg, that the state of his health would not permit him to pass a winter in that climate, he remained there only ten days, and thence proceeded to England.

Mr. Stanbury, of Ohio, moved to strike out of the appropriation bill the salary of the Minister to Russia, on the ground stated by the President, that the United States were not then, nor likely soon to be, represented at that Court. This motion called forth strenuous opposition from several of the Virginia delegation, and others; and finally led to a most diffuse, and often intemperate debate, in which some of the members indulged in very free animadversions on Mr. Randolph, which were met by his friends with much high-wrought eulogy on his talents and services. The most conspicuous member in this discussion was Mr. Burges, of Rhode Island, whose style of oratory, in variety, diffuseness, bitterness, and occasional brilliancy, bore no small resemblance to that of the Minister whom he assailed.

After a discussion which was continued, with intermissions, for four weeks, the debate was terminated by the previous question, when the bill passed, with the contested appropriation, by one hundred and twelve votes to seventy.<sup>1</sup>

The acts of public importance passed at this session were :

An act extending to authors, engravers, and musical

<sup>1</sup> Register of Debates, for 1831, page 677.

composers, the copy-right for twenty-eight years ; and if, at the expiration, the grantee or any child should then be living, for fourteen years longer.

An act for the punishment of crimes committed in the District of Columbia.

An act for preserving the live-oak and red cedar on the lands of the United States.

An act declaratory of the law of contempts, which limits the power of the courts to inflict summary punishments only on contempts committed in their presence. The other kinds are subjected, on conviction, to fine and imprisonment.

There were, moreover, numerous appropriations of money for useful public works, principally in the improvement of river navigation.

## CHAPTER XXVII.

### JACKSON'S ADMINISTRATION.

#### FIRST TERM.

1831—1833.

Soon after the adjournment of Congress, intelligence was received that the question of the North-eastern boundary, which had been submitted to the King of the Netherlands, had been decided. Aiming to take a middle course between the conflicting claims of the parties, he had given satisfaction to neither; and, though it seemed to have been his especial purpose to secure to each party what it most feared to lose, he had marked out a dividing line which, it was agreed by both, there was nothing in the treaties between them to justify. It was subsequently insisted by the United States, with the acquiescence of Great Britain, that, as the umpire had not fixed on the boundary which either party contended was right, his work was not binding. This question of boundary was, therefore, as unsettled as ever, and several years elapsed before it was finally adjusted.

It had been for some time vaguely rumored that there were serious dissensions in the Cabinet, growing out of the question of succession to the Presidency. At first Mr. Calhoun, trusting to General Jackson's repeated declarations that he meant to serve but a single term, openly aspired to be his successor. Relying on his efficient services to General Jackson, his known popularity

with the army and navy, as well as his standing with the nation, and being of a sanguine temper, he felt very confident of success. To further his views, he had secured at least two warm friends in the Cabinet — Messrs. Ingham and Branch. As soon as it was found that many were disposed to press General Jackson to serve a second term, notwithstanding his declarations to the contrary, Mr. Calhoun and his friends bent their efforts to keep him to his first determination; but, after he was formally urged by the Legislatures of Pennsylvania and New York to be again a candidate, and he consented to postpone his own inclinations to what might be the wishes of his countrymen, there was no mode of putting so formidable, or rather so resistless, a rival out of the way, except by making him constitutionally ineligible. An amendment was accordingly proposed by Mr. M'Duffie, by which the President could serve but a single term. It did not, however, prevail. Meanwhile, two other circumstances occurred, which still further overclouded his prospects. By the circumstances already detailed, an open rupture had taken place between General Jackson and the Vice-President, and Mr. Van Buren had been nominated as successor to General Jackson, on the contingency of his not being a candidate for re-election. It was understood that his pretensions, thus qualified, were favored by Major Eaton, the Secretary of War, and Mr. Barry, the Postmaster-general. It does not appear that Mr. Berrien was then committed to either party.

In this state of things, Mr. Van Buren, openly supporting General Jackson's re-election, had his favor and confidence; while the Vice-President, regarded by him as a present rival, as well as a past enemy, had become his favorite theme of imprecation and reproach. With such a temper as his, it was not likely that a Cabi-

net composed partly of Mr. Calhoun's known friends, was likely to continue long unchanged. But, as it subsequently appeared, there was another cause, and some supposed it the prominent one for the change.

This cause originated in one of those petty altercations, to the notice of which, after they have been a fit theme for the gossip of the day, history must occasionally descend, if it would faithfully fulfil its duty of showing the connected chain of events in the measures of the Government, or the progress of society.

The female portion of the families of three members of the Cabinet refused, or declined, social intercourse with the wife of another member, Major Eaton, to whom General Jackson had been long attached; and he was not slow to express his displeasure at this seeming slight, which he alleged to be an effort to drive the husband from the Cabinet, and the cause of which he pronounced to be an unfounded calumny. Richard M. Johnson, of Kentucky, ever prompt at mediation, aimed to reconcile the parties, and for this purpose, with the consent of the President, had an interview with the three members complained of.

They all disclaimed any combination against the Secretary of War, or even any hostility towards him; but they refused to submit to any dictation in their domestic concerns, or to interfere in the matter complained of. Colonel Johnson, finding his efforts at conciliation unavailing, seemed to try the effect of intimidation. He spoke of the President's great excitement, which he compared to that of "a roaring lion," and intimated that if there was not at least a qualified compliance with his wishes, their places would be vacated; and he even specified who were, for the time, to discharge their official duties.

This interview took place about the last of January; but General Jackson, whose passions more often furthered than frustrated his purposes, did not think that public sentiment would sustain him in removing members of his Cabinet because they would not suffer him to regulate their social intercourse, and he accordingly abstained from executing his threat, but moderated in his tone towards his offending Ministers. After some weeks, his purpose was effected on another and safer ground.

Early in April, it was announced that the Secretary of State and the Secretary of War had resigned. In the published correspondence between them and the President, Mr. Van Buren stated that he had endeavored to prevent the premature agitation of the question as to his successor, but that he had not succeeded. He thought that candidates for the Presidency ought not to be members of the Cabinet, for which he gave several reasons; and that, as he wished neither to violate his own rule of propriety, or to "disfranchise himself," by surrendering his own claims to the succession, he had thought it his duty to resign. Major Eaton said that he had reluctantly accepted the office, and, now that the Administration was entirely successful, he should, according to his original purpose, retire from it. The President then stated to Messrs. Ingham, Branch, and Berrien, that he considered it due to the two members of his Cabinet who had resigned, that the remaining members should follow their example: that his Cabinet was "a unit;" and that, to permit only two to retire, would give rise to "misconception and misrepresentation." Those gentlemen consequently sent in their resignations, and Mr. Barry followed their example; but, at the instance of General Jackson, he remained, in consequence of his conduct as Postmaster-general being then under investi-



gation. The President admitted that the retiring members had honorably discharged their official duties; and their intercourse at parting exhibited, in *language* at least, mutual forbearance and courtesy.

By this change, General Jackson gratified his hostility to Mr. Calhoun, his friendship for Mr. Van Buren, and his resentment for the assumed ill-treatment of Mr. and Mrs. Eaton — all of which motives doubtless contributed, though in unequal degrees, to prompt his course. The vacancies in the Cabinet were thus filled: Edward Livingston, of Louisiana, was Secretary of State; Louis M'Lane, of Delaware, Secretary of the Treasury; Lewis Cass, of Ohio, Secretary of War; Levi Woodbury, of New Hampshire, Secretary of the Navy; and Roger B. Taney, of Maryland, Attorney-general.

The explosion of the late Cabinet gave rise to much small correspondence between several of its members and the President, and some of a hostile character between some of the members themselves, in a portion of which all regard to dignity or decorum was laid aside.

Among these was a long letter from Mr. Ingham to the President, in which he adverts to the charges that had been brought against him, whether directly or by implication, for the purpose of repelling them, especially as they had been asserted in the official paper of the Government.<sup>1</sup> They were, that he had united with Mr. Calhoun's friends to drive Mr. Eaton from the Cabinet: that they had even consulted about addressing the President to remove him: and that they endeavored to prevent General Jackson's re-election. He considered the cause of these dissensions of the Cabinet to be, that some of the members would not consent that the President should regulate the social intercourse of their families.

<sup>1</sup> The Washington Globe.

About the same time, Mr. Branch also gave to the public an exposition of the causes which had led to the dissolution of General Jackson's Cabinet. He admits that he had, as soon as he was appointed, and understood that the President was disposed to appoint Major Eaton Secretary of War, represented to him that the appointment would be unpopular and unfortunate, for reasons which he gave — which reasons, he says, had no influence on the President, because he did not admit the facts on which they were founded. He also mentioned his advice to Mr. Eaton, which seemed at first to be well received, but was afterwards resented. In his notice of Colonel Johnson's mediation, he considers the want of social intercourse between the families of a part of the Cabinet and that of Major Eaton to be the cause of complaint both with the President and Eaton; but when speaking of Mr. Van Buren's resignation, he says that his hostility to the offending members was "because they would not be the tools of his ambition:" that Mr. Van Buren had great influence over the President, which he attributes in part to the assiduous court which he paid to Mrs. Eaton, and to the efforts made by him to bring her into society.

An address from Major Eaton follows in September. He excuses himself for appearing before the public in defence of those whose protector he is, and of whom he most feelingly speaks. He denies that he had any agency in the dismissal of any members of the Cabinet, or that Colonel Johnson was authorised by the President to threaten it. He contradicts, also, some of Mr. Branch's statements as to himself. He says, "the true secret of the machinations against him and Mrs. Eaton," as he learned from a friend, was, that "he was not the friend of Mr. Calhoun," to whose first aspirations to the Presi-

dency, and subsequent withdrawal of them, he specially refers.

This address from Major Eaton brought forth a reply from Mr. Berrien. It relates principally to Mr. Eaton's challenge<sup>1</sup> to himself, and his reasons for deferring the acceptance of it. He denies that he had ever been the partisan of Mr. Calhoun (but he supports Mr. Branch's account of Colonel Johnson's mediation), and he had been opposed to the early agitation of the question as to General Jackson's successor.

This year the fifth census was published, with more numerous divisions of the population, classed according to age. The whole population was 12,866,020; of whom —

The whites were.....	10,537,373
The free colored.....	819,599
The slaves.....	2,009,220
<hr/>	
Total.....	12,866,020

Showing an increase of the whites, of.....	33.8 per cent.
Of the free colored.....	34.2 “
Of the slaves.....	30.1 “
Of total free.....	33.7 “
Of the total colored.....	30.6 “

Though, as the census was taken two months earlier than it had hitherto been, the real increase in ten years was in that proportion greater than the returns showed it to be.

On the fourth of July, James Monroe, fifth President of the United States, died, in his seventy-third year, in the city of New York, where he had lately resided with his only surviving daughter. He was the third ex-Pre-

<sup>1</sup> A similar demand of satisfaction from Mr. Ingham, which was not accepted, grew out of some of the numerous newspaper publications.

dent who had died on that day. His whole life had been devoted to the public service, during which few men ever had as many, or as warm, friends.

The tariff question, or policy of encouraging domestic manufactures by taxing those imported from abroad, continued to be the most prominent subject which agitated the public mind at this time: and it no doubt derived additional force from the attitude assumed by South Carolina, who seemed prepared to carry her doctrine of nullification into effect, by open resistance to the laws; which opposition, so far exceeding that of all the other anti-tariff States, may be in the main attributed to the influence of Mr. Calhoun, and of those friends who were anxious to elevate him to the Presidency.

In all the States, both he and the principles of free trade had warm and zealous friends; and for the sake of strengthening their cause, by operating on public opinion, they resorted to the agency of a convention, so common and so potent an engine in American politics of late years.

The convention met at Philadelphia, on the thirtieth of September, and Judge Philip P. Barbour was appointed President, on motion of Mr. Gallatin. There were one hundred and ninety-five members, from fifteen States. It was moved that a protective tariff is unconstitutional. On a motion, by Mr. Gallatin, to strike out this from the address, only thirty-five voted in favor of the motion. An address to the people of the United States was offered by Mr. Berrien, of Georgia, and adopted by a large majority—only twenty-seven, including Mr. Gallatin, voting against it. They examine the various arguments by which the tariff has been defended, and give their answers to them, as it affects all the great interests of the country. A committee, con-

sisting of one member from each State represented in the convention, was appointed to prepare a memorial and address to Congress.

This convention was followed, soon afterwards, by one of an opposite character, which met at New York, on the twenty-sixth of October. William Wilkins, of Pennsylvania, was chosen President. There were upwards of five hundred members, from thirteen States and the District of Columbia. After a session of a week, they adopted an address to the people, and appointed a committee to prepare a memorial to Congress.

A short time before, there was a convention and address of a very different description, which may be regarded as throwing light both on the character of popular government and of the American people. The Anti-Masonic convention may probably excite the wonder of posterity, as it was to form a political party of individuals who were united by no other tie than the negative one of being opposed to a Society which comprehended but a small proportion of the community.

A year or two before, it seems that a man by the name of William Morgan, residing in New York, though born in some State south of it, after having joined the Society of Freemasons, thought fit, from some view to profit or notoriety, to publish to the world the secrets of that Society, which he had solemnly pledged himself to keep. This, of course, excited the liveliest indignation in the minds of every member of the Society; and it mounted to that pitch, at last, that Morgan was seized by some of them in the night, and carried no one knows whither. This abduction gave rise immediately to surmises and rumors: Morgan, who had been an object of general scorn and contempt, became one of lively sym-

pathy, and the indignation which he had excited against himself, was now transferred to his persecutors.

This sentiment, industriously fomented, from one cause or another, gradually gained strength, until at length it made a party strong enough to be felt in the approaching election of President. After its supporters found themselves to be of weight in deciding some local contests concerning rival candidates, they had the ambition of nominating candidates of their own for the Presidency; and, seeing how rapidly their numbers had increased in some States, they deemed it worth the trial to ascertain if they could not have a similar increase in other States, and perhaps, under a fortunate concurrence of circumstances, finally obtain a majority.

It was under the promptings of these flattering hopes, that an Anti-Masonic convention was held in Baltimore, on the twenty-eighth of September, 1831. They had, a week before,<sup>1</sup> addressed a letter to Mr. Clay, inquiring of him his sentiments on the subject of Masonry, with a view, they said, "of deciding whether they would vote for him as President in the approaching election."

Mr. Clay told them, in reply, he did not know "of a solitary provision in the Constitution of the United States which conveyed the slightest authority of the General Government to interfere, one way or another, with either Masonry or Anti-Masonry." He could not believe that, whether he was hostile or friendly to Masonry or Anti-Masonry, was material to the forming any judgment concerning his fitness for any office: that such being his views, he had constantly refused to make himself a party to the unhappy contest raging in some parts of the Union between Masons and Anti-Masons.

Their overtures being thus frankly repelled by Mr.

<sup>1</sup> September 21st.

Clay, they looked out for another instrument of their new-born zeal and ambition. At their meeting in Baltimore, they nominated William Wirt as President, and Amos Ellmaker, of Pennsylvania, as Vice-President.

Mr. Wirt received their overture in a very different spirit from that expressed by Mr. Clay, for whose election he had been previously nominated, with his own consent, as one of the Electors of Maryland.

In his reply he stated that, finding there was nothing proscriptive in their principles, and that they only aimed to assert the supremacy of the laws, against the pretensions of the Masonic Society to set the laws at defiance, and to regard the oaths by the Mason as superior in obligation to the Constitution and laws of his country, he therefore accepts the nomination. He informs them that he had once been a Mason, but had not been in a lodge for thirty years. He speaks of Masonry in New York as peculiar, and as well deserving the reprehension they had bestowed on it; but he disclaims the indiscriminate proscription of Masons. After this avowal of his sentiments, he said he would readily acquiesce in their decision, either to adhere to their nomination, or to withdraw it.

They, as well as the public, regarded this letter as an acceptance of the nomination. About one hundred and twelve delegates attended, and John C. Spencer, of New York, presided.

During the summer, Mr. Rives, the Minister to France, had diligently improved the favorable impression he had made on Louis Philippe and his friends, by being the first of the diplomatic corps to recognize him after the late revolution, in pressing on the Government the claims of American citizens for indemnity for spoliations on their commerce during the reign of Napoleon; and

he finally succeeded in making a treaty, by which twenty-five millions of francs were agreed to be paid by France, in six annual instalments, with interest, in full of those claims; while one million five hundred thousand francs were to be paid by the American Government, in full of the claims of Beaumarchais and others against the United States. It was further stipulated that the wines of France should be imported into the United States for ten years, paying duties not exceeding certain rates; and France agreed to lay no higher duties on cotton of a long than on that of a short staple.

Congress met on the first Monday in December, the time fixed by the Constitution. In the President's opening message, he begins with a flattering account of the prosperity of the country, in every branch of its industry. He then proceeds to notice its foreign relations.

He speaks favorably of the results of the late arrangement with Great Britain. He notices the decision of the King of the Netherlands, which will be submitted to the proper branch of the Government. The American citizens who had been imprisoned for asserting the authority of the State of Maine, had been liberated at his instance. He has instructed the American Minister at London to endeavor to agree on measures that will prevent the recurrence of the like causes of irritation.

The treaty with France is mentioned in favorable terms, which, he says, on several accounts, affords cause of congratulation.

The claims on Spain, from captures made with those who traded with her former colonies, have as yet been resisted by her; but he trusts that His Catholic Majesty will finally be induced to acknowledge the justice of our demands.

A similar expectation is entertained of the claims



on the Neapolitan Government, and on that of Portugal.

Our relations with Russia are on the most friendly footing, though they are not yet secured by a commercial treaty. The ill-health of our Minister to that country, who was charged to propose one, did not permit him to remain there. Our treaty with Austria is opening to us a new and important trade.

Our trade to India and China continues to its usual extent, and with increased facilities, by the substitution of bills for the payments in specie. An outrage having been committed on one of our merchant-ships in a port of Sumatra, a frigate had been despatched to demand satisfaction and indemnity.

Our relations with the new American States continue as they were. Our treaty with the Republic of Central America promises to be of immense benefit to our commerce, if the magnificent project of a ship-canal from the Atlantic to the Pacific shall be executed.

Some collisions with the Empire of Brazil, and some with the Government of Buenos Ayres, have arisen; but measures have been taken for asserting the rights of the United States.

In furtherance of our foreign policy, and with a view to the more effectual protection of our citizens abroad, he recommends a revision of the consular laws of the United States.

He informs Congress that the Cherokees in the States of Mississippi and Alabama are in the course of complying with their engagements to remove beyond the Mississippi; and it was expected that from one-half to two-thirds of those of Georgia would follow their example.

The Indian title has also been extinguished to the lands in Ohio, and the same policy will be extended to

Indiana. It is believed that, in a few years, all the lands to which the Indians have title will be exonerated in every State in the Union ; which change will be as beneficial to them as to the whites, both for the safety of the Indians, and their advance in civilization.

The revenue will this year reach the unprecedented amount of twenty-seven millions seven hundred thousand dollars ; and the expenditure for all objects, except the public debt, will not exceed fourteen millions seven hundred thousand dollars. The payments on account of the debt will exceed sixteen and a half millions. The amount applied to the public debt, from the fourth of March, 1820, will exceed forty millions. From present appearances, the debt may be discharged within the four years of his administration.

An opportunity will then be offered for carrying into execution his former recommendation as to import duties. A modification of the tariff, with a view to a reduction of the revenue, and also to a regard for all our national interests, demand the consideration of the present Congress. By a spirit of compromise all those objects may be attained.

He recommends to their favor the debtors to the Government, and also the relief of insolvents ; and that imprisonment of the person of debtors be limited only to cases of fraud.

The amendment of the Constitution, so as to give the election of President and Vice-President to the people, is again pressed on their notice, as well as the disqualification of members of Congress who had had any agency in the election.

The system of the public accounts, and the District of Columbia, are recommended to their attention ; as are also the claims of some of the Western States to Circuit

Courts. He mentions the Bank, only to say that, content with having already presented his views on the subject, he leaves it to "the investigation of an enlightened people and their representatives."

On the same day that Congress met, a National Republican convention was held at Baltimore, for the purpose of nominating a President and Vice-President. There were one hundred and fifty-five members, from seventeen States, and the District of Columbia.<sup>1</sup> They appointed James Barbour, of Virginia, President. Mr. Clay received an unanimous vote for the highest office; as did Mr. Sergeant, of Pennsylvania, for the second: which nominations were duly accepted. They appointed a committee to prepare an address to the people.

In this Congress, Mr. Adams, the late President, was a member of the House of Representatives, and Mr. Clay was a member of the Senate.

The report<sup>2</sup> from the new Secretary of the Treasury, Mr. M'Lane, excited no little surprise in the nation, as he came out the avowed and direct supporter of the Bank of the United States, as constitutional, well conducted, and essential both to the Government and the nation, and he therefore recommended Congress to re-charter it. This recommendation, taken in connection with the moderated tone of the President in speaking of that institution, had the immediate effect of raising the market price of its stock; and this, too, though the report contemplated the sale of the large amount of stock owned by the Government, in case Congress should wish to expedite the extinction of the public debt.

Another citation was presented to the Governor of Georgia, in consequence of the laws of the State relative

<sup>1</sup> A member from Tennessee afterwards attended.

<sup>2</sup> Niles's Register, Vol. XL., page 307.

to the lands of the Cherokees. One of these laws had made it highly penal for any white person to reside on these lands, and two persons (missionaries), Samuel A. Worcester and Elizur Butler, were convicted under the act, in one of the courts of Georgia, and sentenced to imprisonments: on which these parties obtained a writ of error against the State of Georgia, and a copy of the citation was duly served on Governor Lumpkins.

He communicated the fact to the Legislature, and the subject having been referred to a committee, they reported several resolutions, of the following purport:

That the act of Georgia prohibiting residence on the lands of the Cherokees, does not violate the Federal Constitution.

That the State has the right of civil and criminal jurisdiction over all the lands within her chartered limits.

That the right to interfere with this criminal jurisdiction has not been delegated to the United States, or its courts; but that the final and exclusive jurisdiction in such cases is vested in the State of Georgia; and no court can overrule its decisions, or impede their execution.

That any attempt to reverse the decision in the cases of Messrs. Worcester and Butler, will be held to be unconstitutional, and be treated as such.

That the State will not so compromise her dignity, as to appear to, or answer to, any proceedings before the Supreme Court, having for their object the interference with the decisions of the State courts in criminal matters.

The Governor is required to disregard every mandate, order, or decree, from any Judge of the Supreme Court, for the purpose of arresting or impeding the

execution of a sentence of the courts; and he is further authorised and required to resist, by all the power and means at his disposal, every invasion upon the administration of the criminal laws of the State.

In the Senate of the United States, on the nomination of Mr. Van Buren as Minister to Great Britain, the subject was referred to the Committee on Foreign Relations, when it was moved by Mr. Holmes, of Maine, that the nomination be recommitted to the same Committee, who were instructed to inquire whether the causes assigned by the President for the removal of three of his Cabinet, and also for the resignations of the Secretaries of State and War, were the only ones, and if not, what were the precise causes; and whether Mr. Van Buren participated in any practices disreputable to the national character, which were designed to operate on the mind of the President, with a view to the appointment he has since received. Power was given to send for persons and papers.

On the motion to lay these resolutions on the table, the Senate being equally divided, the Vice-President voted with the mover, in the affirmative.

On the motion to advise and consent to the appointment, the Senate was also equally divided; and it was decided by the Vice-President in the negative.

This subject gave rise to an animated debate, in which Mr. Chambers of Maryland, Mr. Holmes of Maine, Mr. Clayton of Delaware, Mr. Webster, and Mr. Clay, all took part against Mr. Van Buren, on the ground of his instructions to Mr. McLane; and Mr. Marcy of New York, Mr. Smith of Maryland, and Mr. Forsyth of Georgia, in defence of Mr. Van Buren.

He was assailed on the ground that, for the first time, our party differences had been brought to the notice of a foreign Government; and an attempt had been made to

claim a merit with that Government for opposing those who administered our own. It was also denied that these claims, or "pretensions," as Mr. Van Buren called them, were first advanced by Mr. Adams. They had been asserted by at least two previous Administrations. These views were pressed with great force.

He was defended, on the ground that the instructions must properly be considered to be the act of the President, and not of the Secretary; and General Jackson alleged, it was stated, that these instructions were dictated by himself. It was denied that they were against the dignity of the country, and that our claims respecting the colonial trade having been regarded as untenable by General Jackson, and at last also by Mr. Adams, they had been abandoned, and Mr. Van Buren was instructed to inform the British Government of these facts: and that the real cause of offence was, that they had succeeded in effecting an arrangement wherein their predecessors had failed.

The vote on the subject seemed to be according to the party feelings of the members. Whatever might have been the opinion of Mr. Van Buren's instructions in the abstract, the community, or at least a large portion of it, thought that the punishment exceeded the offence. Public meetings in the city of New York, and elsewhere, condemned the course of the Senate; and Mr. Van Buren now was viewed by many with that favor which supposed persecution never fails to obtain from mankind in general. Without doubt, his cause as a candidate for the Presidency was subsequently greatly advanced, if it did not owe its ultimate success to this rejection by the Senate. It was some time afterwards before General Jackson appointed a successor.

A long and spirited debate took place in the Senate,

at this session, on the subject of the tariff, in which Mr. Clay, in favor of it, and Mr. Hayne, against it, were the principal speakers. By both, the effects of protecting duties on imports on the price of cotton, were greatly overrated. According to Mr. Hayne, but for the tariff the consumption of cotton goods would be greatly increased in the United States by their greater cheapness, and consequently there would be a greater demand for the raw material, which must raise its price. According to Mr. Clay, the consumption of the raw material was increased by the demand for its use in domestic manufactures, in addition to the foreign demand.

The national gain or loss was probably not materially affected. The gain to the planter would be greater, if he could buy in the cheapest market; but, on the other hand, the gain to the manufacturers is increased by the monopoly of the home market. This class can thus buy more cotton fabrics, by reason of their extra gains; and the Southern planter can buy less, from his diminished profits. The objection, on the score of justice, to tax one part of the community for the benefit of another, and that general one of a national loss, from diverting capital and labor into a channel which was artificially made the most profitable, by taxing its rivals, remain in full force; so that the arguments of Mr. Hayne, as to present gains, had predominance. The only ground on which Mr. Clay's policy could be defended was, that the loss here adverted to was a temporary one; and that, after foreign labor and capital were excluded from all rivalry with domestic labor and capital, the competition at home, with the gradual increase of skill and capital, and improvements in the division of labor, would make the domestic fabrics eventually cheaper than they would have been if there had been no protection.

The case of Messrs. Worcester and Butler, who had been sentenced to imprisonment in Georgia for residing in the Cherokee territory, contrary to the laws of the State, having been duly discussed in the Supreme Court, on the third day of March, Chief Justice Marshall delivered the opinion of the Court.

As the authority of a State was called in question, and of that State which had always been very prompt to assert its rights in opposition to the General Government, the opinion was a very long one, prepared with great care, and expressed in a tone of great moderation.

After a full statement of the facts and proceedings in Georgia, the Chief Justice examines into the foundation of the right which Europeans claimed to the lands of the aborigines; and he recognized what was called by them the right of discovery, as the one which was conventionally established among themselves, and which they were not at liberty to contest. This merely gave the exclusive pre-emptive power to purchase, but did not deny the right of the possessors to sell.

He shows that Great Britain considered the Indians as nations capable of maintaining the relations of peace and war, of governing themselves under her protection, and she as such made treaties with them.

Such also were the acknowledged principles of the United States under the old Congress.

He then historically reviews the condition of the Cherokees, and shows the recognition of their national and independent character, by treaties and other solemn acts of the Government.

He concludes, then, that the Cherokee nation is a distinct community, and that the citizens of the United States had no right to enter their territory without their consent: that the law of Georgia is therefore void, and



the judgment of its court a nullity : that the plaintiffs in error can avail themselves of these circumstances. He concludes with the opinion that the judgment of the court of Georgia, condemning Worcester and Butler to the penitentiary, is repugnant to the Constitution, treaties, and laws of the United States; is therefore void, and ought to be reversed and annulled. That a mandate be ordered that all proceedings on the indictment against the plaintiffs cease, and that they be discharged.

Judge M'Lean agreed with the Court, but gave his reasons separately, and at great length. Judge Baldwin dissented from the opinion of the Court.

The State of Georgia, as might be expected, was not disposed tamely to acquiesce in this decision. This subject was referred to a committee of its Legislature, who made a report on it, in the previous December.

They justify the law of the State, not merely on the ground of policy, but even of necessity; and say that she had, moreover, carried out the avowed policy of the General Government, when, acting *in loco parentis* to the Indians, she prohibited the residence of whites among the Cherokees.

That Messrs. Worcester and Butler were religious missionaries, had been admonished by the Governor against violating the law of the State, and time given them to remove, but they refused. They were then arrested, tried, and convicted.

The committee insist that the rights, both of property and jurisdiction in the Cherokee lands, is in the State of Georgia; and, consequently, that there is no limit to her right of penal enactment. They justify all the authorities of Georgia, and direct copies of this report to be transmitted to the Georgia delegation in Congress.

The Republican members of the Legislature of New

York, resenting the rejection of Mr. Van Buren, which they regarded as "an indignity to the character of the State, in the person of its favorite son," addressed the President on the occasion, in which they extolled his administration, his appointment of Mr. Van Buren, first as his Secretary of State, and then as Minister to Great Britain, and eulogized Mr. Van Buren himself.

In his reply, the President took occasion to declare that Mr. Van Buren "had no participation whatever in the occurrences relative to himself and the second officer of the Government (Mr. Calhoun), or in the dissolution of the late Cabinet; and that there was no ground for imputing to him the having advised those removals from office which, in the discharge of the President's constitutional functions, he had deemed it proper to make."

He further states that those parts of the instructions (in which he says there is nothing derogatory to the national dignity or honor, or is improper) which have been used to justify his rejection by the Senate of the United States, "proceeded from his own suggestion; were the result of his own deliberate investigation and reflection;" and now, as well as when they were dictated, appear to him "entirely proper, and consonant to public duty."

He then defends his course with no little skill, saying that, upon no ground of duty or policy, could he be called upon to justify the course of the preceding Administration, which that Administration had itself waived; and he could not reconcile it to his sense of public duty, or of national dignity, that the United States should suffer continued injury or injustice, because a former Administration had insisted upon terms which it had subsequently waived, or had failed seasonably to accept an offer which it had afterwards been willing to embrace." "To announce," he said, "distinctly to Great Britain

that we would not submit to a continued injustice, on the ground of any objection to the past conduct of the American Government, whether it were right or wrong, was the obvious import of the whole instructions."

The course pursued by Mr. Van Buren, thus taken upon himself by General Jackson, and thus plausibly supported, was not likely to affect him much in the eyes of the mass of the American people, so many of whom are scarcely able to appreciate sentiments of national dignity and self-respect, while the severity of the punishment inflicted on him could be understood by all; and it very soon produced a lively feeling of resentment with the Jackson party throughout the nation. It strongly recommended him to the people for the office of Vice-President; and at the convention which met in Baltimore in May, to nominate a Vice-President to serve under General Jackson's administration for a second term, Mr. Van Buren received two hundred and eight of two hundred and eighty-three votes—Philip P. Barbour, of Virginia, having received forty-nine votes, and Richard M. Johnson, of Kentucky, twenty-six votes. Mr. Van Buren was accordingly unanimously recommended for that office; and in the election in the subsequent autumn, he received one hundred and eighty-nine votes of the two hundred and eighty-eight Electors in the United States.

In February, an elaborate report from the Committee of Ways and Means was presented by Mr. M'Duffie, its Chairman, relative to the duties on imports, which the Committee think unjust and injurious to the planting States, and proportionally advantageous to the manufacturing States.

The report contained an ingenious argument, to show that the tax on imports was as much a tax on the

planter as if it were laid on exports; and, supposing the average to be forty per cent., that it was the same thing to him as if forty bales out of every hundred of the planter's cotton was taken by the Government. This reasoning, by its bold and startling character, attracted much notice, and became familiarly known by the name of "the forty bale theory." Of all the fallacies in reasoning to which the tariff gave rise on both sides, there was no one which retained its hold on the anti-tariff party so long as this, or so tasked the logic of its opponents. Its paternity has been ascribed to Mr. Calhoun.

A counter-report was presented by two of the Committee — Mr. Ingersol, of Connecticut, and Mr. Gilmore, of Pennsylvania. They deny the doctrine that a tax on imports is paid by the producer of the exports, but insist that it is paid by the consumer; and that the price of cotton abroad is not affected by the duties. They insist that the protective system is interwoven with the best interests of the country; and that the experiment of free trade was fully tested from 1783 to 1789, and found to be ruinous in its consequences.

Mr. Clay, from the Committee on Manufactures, made a report<sup>1</sup> on the public lands.

On the subject of these lands, there was a geographical difference of feeling, arising from a supposed difference of interests. In all the Western States, except Kentucky and Tennessee, there were large bodies of public lands, and there had been a disposition recently manifested by those States to claim the right to those lands upon vague and general notions of sovereignty, of the same character as those asserted by Georgia against the lands of the Indians within her chartered limits. As the number and population of the Western States increased, these claims

<sup>1</sup> April 16th.

found more favor and support; and what had at first been put forth only as the suggestion of speculative minds, was now openly urged as a legal right, and the claim received the countenance of some of that class of politicians in the Atlantic States who wish to gain popularity with the West. Others, again, would favor it, because, by taking away this source of revenue, the treasury would be more dependent on the impost, and thus a greater protection to manufactures would be secured. In general, however, the people of those States, of all parties, were opposed to the cession of those lands, or to any great reduction in their price, partly because they were not willing to give up so large and permanent a source of public revenue, which had been purchased by the common means of all the States; and because, moreover, they had no interest in quickening that stream of domestic emigration to the West which was ever draining them of people and of wealth, and by this double operation, of putting into one scale what was taken out of the other, rapidly diminishing their relative weight in the Federal councils.

This subject of the cession of the public lands having again been introduced, and it being one on which there was known to be such a strong local diversity of sentiment, it was, as usual, referred to a Committee, and that on Manufactures was selected. This reference was promptly opposed, because it was foreign to the appropriate duties of that Committee, and because there was a Committee on the Public Lands. The objections, however, were overruled, apparently because Mr. Clay, who was the Chairman of the Committee on Manufactures, was known to have been nominated for the Presidency by the opponents of General Jackson, and it was considered that, whether his report should be in favor or

against the cession of the public lands to the several States in which they lay, he was likely to give offence to many States in the Union. It was found, however, to be one of those legislative manœuvres, in which cunning overreaches itself, and proves to be as far from real wisdom as it is from liberality and fairness.

The unwelcome duty thus strangely cast on Mr. Clay, he met in his fearless, straightforward way. He made a report which excited no small surprise among his friends, because he had been able, from what his political adversaries expected to embarrass him, to improve into a new evidence of his sagacity, ability, and statesmanship. In his masterly report, he did not hesitate to condemn the cession of the public lands, as equally unwise and unjust; and he showed, what the Western States themselves seemed before to have been blind to, that all, or nearly all, of them had a direct interest against the cession — that is, that they would eventually gain more by those lands remaining the property of the General Government than by the cession to them of the small proportion within their limits. But, as they constituted a fund that could be spared, the Committee proposed that their proceeds should be distributed among the States *pro rata*, to be applied by their respective Legislatures to objects of education, internal improvement, colonization, or reimbursement of any debt contracted for internal improvements: this operation, however, to be suspended during war.

It being now found that the measure intended to injure Mr. Clay in the public favor was likely to exalt him, the same majority, without discussing the merits of the report, or proposing to amend it, committed the bill that had been reported to the Land Committee, who presented a counter-report, and recommended the reduc-

tion in the price of the public lands immediately to one dollar per acre, and eventually to fifty cents, and granted to the new States fifteen per cent. on the proceeds instead of ten per cent., as recommended by the Committee on Manufactures.

This bill was successfully opposed by Mr. Clay. A day had been appointed, in the Senate, to take up Mr. Clay's report, and the bill accompanying it; and as he was a great favorite with the public, and was very attractive as an orator, on the day appointed the Senate Chamber and its galleries were crowded with visitors — when, apparently in the same spirit in which the subject of the public lands had been first referred to the Committee on Manufactures, and afterwards the report of that Committee on Lands, Mr. Forsyth moved that the Senate then proceed to executive business, which was sustained by Mr. Tazewell. A small majority would not lend itself to this petty party hostility, but decided that the discussion should proceed; when Mr. Clay rose, and in a speech of great ability, which occupied four hours, sustained his report, and showed that the Western States, as well as the Atlantic, were interested in opposing a distribution of the public lands within their several limits: after which the Senate adjourned. His unanswerable logic prevailed, and the bill finally passed the Senate by a small majority; but the House postponed its consideration till their next session. It has not often occurred in a deliberative body at any time, but especially in a period of great party excitement, that one in a minority had so signal a triumph over a hostile majority.

The Bank of the United States, and the tariff, were, however, the two most interesting questions before Congress at the present session.

In February, it was proposed to appoint a select com-

mittee to examine into the affairs of the Bank, with power to send for persons and papers. The mover, Mr. A. S. Clayton, of Georgia, stated several facts relative to the Bank, which he made the foundation of specific charges — fifteen in number — against that institution. They consisted of either violations of the charter, or abuses of its powers to the injury of the public, and sometimes of the Bank itself. The resolution was adopted, after a protracted debate continued through several days, and with an amendment that the committee report whether the Bank has violated its charter or not. The committee, who were to proceed to Philadelphia to examine the books and papers of the Bank, were Mr. Clayton, Mr. Adams, Mr. M'Duffie, Mr. Johnson of Kentucky, Mr. Cambreling, Mr. Thomas of Maryland, and Mr. Watmough.

A majority of this committee made their report on the twenty-seventh of April. A counter-report was presented by the minority.

The bill to recharter the Bank passed both Houses, but was negatived by the President, who gave his reasons.

On a second vote, there not being two-thirds in favor of the bill, it was, of course, rejected.

On the subject of the tariff, Mr. Adams, from the Committee on Manufactures, made a long report on the subject, in which they propose several important deviations from the bill reported by the Secretary of the Treasury, which aimed at a middle course between the two parties. The Committee profess to be actuated by the same spirit.

This subject was discussed throughout the session, and various propositions and amendments were made by the friends and opponents of the protective policy. The bill founded on the report of the Committee finally passed



the House on the twenty-eighth of June, by one hundred and thirty-two votes to sixty-five.

By this bill, a great number of articles were made free of duty, in addition to those that had been previously made free — the country not now requiring so large a revenue.

Near the end of the session — the sixteenth of July — on the vacation by the Vice-President of his seat, according to usage, Mr. Tazewell received the votes of a majority for that office a second time, though, in the preceding year, he had refused it.

In the mean time, the spirit of opposition to the tariff, and disaffection to the General Government, were steadily gaining ground in South Carolina; and the violence of that State to the impost so much exceeding that of any other State, would have induced a stranger to suppose that it alone had an interest in the question, or at least that its interests were far greater than those of any other State. Their Legislature, supported by a large majority of the people, had determined that they would nullify the law laying the impost, and, as far as they could, would prevent its execution in that State. Every device of pleading or litigation was to be put in requisition to defeat the penalties of the act of Congress, since violence and bloodshed were to be avoided as far as was practicable. They, however, were sanguine that matters would not come to that issue, from the belief, which they supposed was as thorough with others as themselves, that, when the controversy grew to such a point as to threaten civil war, all the Southern States would, from sympathy, take sides with South Carolina, and that this belief would prevent the other States from driving the dispute to that extremity. They therefore went forward to the contest as if they encountered no serious danger,

and expected that this very boldness and confidence would lead to a successful issue.

The delegation from that State in Congress published an address to the people they represented, which was echoed by an address and resolutions of the citizens of Charleston. They thus began :

“The crisis has arrived. The twenty-second Congress of the United States has adjourned, and the majority have, by their last act (so far as depends on them), sealed your destiny.”

After vehement denunciation of the majority, they say they have a remedy for the wrong, and ask whether the people will submit or apply the remedy.

They conclude with several resolutions, which are to arrest the operation of the tariff act in South Carolina : they pass a vote of thanks on their Representatives in Congress : they invite the call of a convention of the people of the State, and pledge themselves to vote for no member of the Legislature who will not be in favor of a convention : while they deprecate a resort to violence, and treat it as a phantom “conjured up by avarice and ambition to alarm the timid,” they will be ready to meet any consequences. They compliment those citizens who had heretofore differed from them as to the remedy, but who now concur with them.

These resolutions were passed without a dissenting voice.

On the twenty-fifth of October, the Legislature, specially called together by the Governor, passed an act for calling a convention of the people of the State. In the Senate the bill had thirty votes against thirteen ; in the House of Representatives, ninety-six votes against twenty-six.

The convention accordingly assembled on the second

Monday of November. The late Governor Hamilton was elected President. They appointed a committee of twenty-one delegates; and, after a session of three days, they reported an ordinance declaring the several laws of Congress for laying duties, which were then in force, to be unconstitutional and void: that it was unlawful for any officer of South Carolina, or of the United States, to collect such duties: that the validity of this ordinance shall not be called into question in any court of law or equity, nor the copy of any record be allowed for that purpose, and that persons holding office under South Carolina shall take an oath to obey and enforce this ordinance, on pain of vacating their offices: and they declare, in the name of the people of South Carolina, that they will maintain the ordinance at every hazard: that they will not submit to the application of force, and they will consider the acts and measures of the General Government to coerce the State, and enforce the said tariff, as inconsistent with her longer continuance in the Union, and they will forthwith proceed to organize a separate government.

This ordinance was passed by one hundred and thirty-six votes to twenty-six.

The Legislature of the State met on the twenty-fourth of November, according to adjournment, and passed a law for carrying the preceding ordinance into effect.

The act gives to any person whose goods shall be seized or detained for non-payment of duties, the right of replevin, on his giving bond and security to fulfil the judgment of the court.

In case of refusal to deliver the goods, on proof thereof, the plaintiff may sue out a *capias*, authorising the sheriff to distrain the estate of the person so refusing to deliver, and hold the same until the goods are delivered.

The act has other provisions, adapted to various contingencies, of recapture, imprisonment, or delivery of a record. Penalties are imposed on recapture, and on allowing the use of the State jails in enforcing the said acts, or allowing any house to be used as a jail.

Such was the state of things when Congress met in December, and when all eyes were turned on the General Government, to see the course which would be taken by the President regarding this avowed purpose of South Carolina to resist the Federal authority.

The President's opening message was transmitted to Congress on the fourth of December, 1832.

He congratulates the country on its general prosperity, its recovery from the cholera, and the favorable state of our foreign relations. In the course of the year, eighty thousand tons had been added to our shipping, and our imports and exports had increased near forty millions of dollars.

He speaks favorably of the recent revolution in France, and of the good consequences of the amicable adjustment of our claims.

He adverts to the question of the North-eastern boundary, and says that the British Government were notified that the decision of the arbiter (the King of Belgium) was not considered to be final; but from the unexpected recall of our Minister, Mr. Van Buren, the negotiations had been interrupted and delayed.

He notices some unsettled points with both Spain, Portugal, and Naples. Our new commercial relations with Turkey promise to be very advantageous.

The internal dissensions of the new American Republics are mentioned in terms of respect, but unfavorably as it regards their welfare, and our commercial intercourse with them. The political changes which had

taken place in the Republic of Colombia, and in Brazil, are also noticed. Our relations with Buenos Ayres, Chili, Peru, and Bolivia, are briefly mentioned.

The aggression on our commerce in the Island of Sumatra was found to have been committed by a band of pirates, from whose chastisement has resulted proper respect to our flag, and additional security to our commerce.

He concludes this notice of our foreign relations by an emphatic enforcement of our past policy, of not interfering in the political concerns of other nations.

The condition of the national treasury is highly prosperous. The receipts of the year will be upwards of twenty-eight millions of dollars. The expenses will be about sixteen millions, and eighteen millions will have been applied to the public debt. This, on the first of January next, will be reduced to about seven millions, of which two millions two hundred and twenty-seven thousand dollars are not redeemable until the first of January, 1834, and four millions seven hundred and five thousand dollars until January, 1835; but it is hoped that the Commissioners of the Sinking Fund will be able, by purchase, to extinguish the whole within the year 1833 — on which result he warmly felicitates Congress and the country, especially as it has been brought about without “stinting the expenditures for all other proper objects.” A further reduction of the revenue may be made, and is recommended.

In the adjustment of the revenue to the expenditure, he says, “It is due, in justice to the interests of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of

foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If, upon investigation, it should be found that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished; and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard, as soon as a just regard to the faith of the Government, and the preservation of the large capital invested in establishments of domestic industry, will permit."

He then discusses the merits of the protecting system, and while he says that there is, perhaps, no American citizen who would not be willing to pay a higher price for American manufactures, to effect their establishment, yet none of our statesmen have regarded this as more than temporary: and he expresses a doubt whether the advantages of the system "are not counterbalanced by many evils, and whether it does not tend to beget, in the minds of a large portion of our countrymen, a spirit of discontent and jealousy dangerous to the stability of the Union."

He adds, "that those who have invested their capital in manufacturing establishments cannot expect that the people will continue to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the government."

He is for restricting protection to the articles necessary for national defence, and adds, "that the influence of the system of protection is to concentrate wealth in a few hands, and to create those germs of dependence and vice which, in other countries, have characterized the existence of monopolies, and proved so destructive of

liberty and the general good. A large portion of the people in one section of the Republic declares it not only inexpedient, on these grounds, but as disturbing the equal relations of property by legislation, and, therefore, unconstitutional and unjust."

Having said thus much to countenance and strengthen the South Carolina doctrine, he adverted to their opposition to the revenue laws, which he said had risen to the height of threatening their execution, if not to endanger the integrity of the Union; and he added that, "whatever obstructions may be thrown in the way of the judicial authorities of the General Government, it is hoped that they will be able peaceably to overcome them by the prudence of their own officers, and the patriotism of the people. But should this reasonable reliance on the moderation and good sense of all portions of our citizens be disappointed, it is believed that the laws themselves are fully adequate to the suppression of such attempts as may be immediately made. Should the exigency arise, rendering the execution of the existing laws impracticable from any cause whatever, prompt notice of it will be given to Congress, with the suggestion of such views and measures as may be deemed necessary to meet it."

He recommends the disposal of all stocks of corporations held by the Government, and placing the proceeds in the treasury. As a source of profit, they are of little or no value, and as a means of influence among the States, "they are adverse to the purity of our institutions."

He animadverts in terms of censure on an arrangement made by the Bank of the United States, by which the payment of the three per cent. stock will be postponed until October, 1833.

The Secretary of the Treasury has taken measures to ascertain whether the public deposits in that Bank are entirely safe; and an inquiry into the transactions, both of the Bank and its branches, is strongly recommended.

In speaking of the public lands, and of the policy which recommended their cession to the General Government, he remarks that the object for which they were ceded having been accomplished, "it is in the discretion of Congress to dispose of them in such a way as best to conduce to the quiet, harmony, and general interest of the American people:" and shows that he is in favor of surrendering them to the States by his remark, that "it cannot be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of the country are its population, and the best part of that population are the cultivators of the soil."

Knowing very well the favor with which Mr. Clay's report on the public lands had been received, and the dissatisfaction, that the law he had introduced had not received the sanction of the Executive, he enlarges upon the subject of the policy which ought to be pursued with respect to them.

He says that questions have already arisen, and others may be expected to arise, on this subject, involving the rights of the new States and the powers of the General Government, which may assume a serious character. Of the various schemes hitherto suggested for the disposal of the public lands, none has yet received the entire approbation of the National Legislature. He therefore offers some suggestions.

He thinks they should cease to be a subject of revenue, and should be sold to settlers at a price barely sufficient to reimburse the United States for their cost, and



the expense of the present system, which it would not be prudent or wise to abolish; but in time they should be surrendered to the States. He mentions the large sum the citizens of the West have paid into the treasury, of which but a small part has been expended among them; and it cannot be expected that the new States will remain contented with the present policy.

He again invites the attention of Congress to the subject of internal improvements, and his views to the limits of the powers of Congress to such expenditures. He recommends an amendment to the Constitution, if a competent plan cannot be devised without it, and that they refrain from the exercise of the power in all doubtful cases.

He notices the hostile incursions of some of the Indian tribes in the north-west, and their entire defeat. He deems a large regular force unnecessary, as it would be impolitic and dangerous: that the people are all sufficient for the protection of the government they have instituted: but the present militia system is very defective, and requires a thorough examination and reform.

The transfer of Indians to the west of the Mississippi has been steadily pursued, and is nearly consummated: but with a portion of the Cherokees in Georgia no adjustment has yet been made.

The present state of the navy is adequate to the protection of our commerce; but he advises a continuance, for six years, of the annual appropriation for its gradual improvement.

He repeats his former suggestions respecting the election of President, the enlargement of the judiciary system, and some other objects.

The very moderate tone of this message relative to South Carolina excited general surprise — an agreeable

one to the politicians of that State, for they regarded it as the forerunner of a change of the tariff, and, consequently, as a triumphant justification of their course. The friends of the tariff, on the other hand, and all those who denied the doctrine of nullification, considered the seeming views of the President as equally inconsistent with the legitimate authority of the General Government as with the personal character of the President, who was accustomed to make every thing bend to his will, and who always inclined more to put down opposition by violent means than by temporizing or conciliatory measures. But this state of the public mind was a brief one. In less than a week after his message to Congress, the President issued a proclamation which was in entire accordance with the prominent points of his character.

After referring to the ordinance of the South Carolina convention pronouncing two acts of Congress void, and taking measures to prevent their execution in that State, which he regards as subversive of the Federal Constitution, and destructive to the Union, this paper declares that the President has thought proper to issue his proclamation, stating his views and purposes, and warning the people of that State of the consequences of their acts.

The proclamation then proceeds to examine the grounds taken by the ordinance; to show that they are inconsistent with the continuance of the Union, with the principles asserted by the Declaration of Independence, the Articles of the Confederation, and those of the present Constitution; from which he concludes that "the power to annul a law of the United States, assumed by an individual State, is incompatible with the existence of the Union, contradicted expressly by the letter of the

Constitution, unauthorised by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

He then examines in detail the grounds of justification assumed by the ordinance; which are, first, that the obnoxious laws, though purporting to be laws for raising revenue, were really intended to protect manufactures: second, that the laws operate unequally: third, that the sums intended to be raised by the tariff laws are greater than are required: fourth, that the proceeds will be unconstitutionally employed: to all of which objections answers are given, and an animated and argumentative appeal is made to the people of the United States against the unreasonableness of the pretensions thus asserted by the State of South Carolina.

He examines, then, the right of seceding from the Confederacy which South Carolina assumes, and which he maintains, at great length, to be inconsistent with the Constitution, and with that partial surrender of their sovereignty which the States made when they adopted that Constitution. He argued that we were, and always had been, one nation: that the separate States are not sovereign, and, if they were, the Constitution being formed by compact, "there can be no right in any one State to exonerate itself from its obligations." He concludes with an earnest appeal, first to the people of his native State to review their course, to reflect on its consequences, and to remember that disunion, by armed force, is *treason*; and then to the people of the United States to support him in his course of arresting, by moderate measures, if he can, the necessity of resorting to force — but, at all events, to execute the laws according to his appointed duty.

In the doctrines maintained in this full exposition of

his views, all the advocates of State rights, including many who entirely disapproved of the course of South Carolina, and denied the right of nullification, found much to condemn. They considered that the very latitudinous construction of the Constitution, maintained in this paper, deducted largely from the merits of the President's course, and not a few were made either lukewarm supporters of that course, or were inclined to side with the doctrines of South Carolina, as founded on the safer extreme. But most practical men, approving of the President's determination to execute the laws, and to put down by force, if necessary, the illegal resistance to them by an individual State, did not stop to examine into all the reasoning by which the course of South Carolina had been assailed. They approved of the measure, and disregarded the argument, believing that if any part of it was not well-founded, it could not, from such a paper, derive any force as a judicial precedent.

The proclamation is understood to have been drawn by Mr. Livingston, then Secretary of State; and many of the principles which it advanced have been ever disclaimed by the party to which Mr. Livingston then belonged, and are no longer asserted, except by those who favor the most enlarged construction of the Constitution.

The State of South Carolina, disappointed at this unlooked-for exposition of the President's views, but not dismayed, responded to his proclamation by a paper of the same description, issued by the Governor of that State.

This manifesto was dated on the twentieth of December. After referring to the President's proclamation, Governor Hayne warns the people of South Carolina against "the dangerous and pernicious doctrines promulgated in that proclamation, and proceeds to discuss the soundness of its views as to the sovereignty of the States,

the right of a State to secede, to declare an unconstitutional act of Congress void, and the extent of the President's power to execute the laws: all of which topics were reasoned on at some length, for the purpose of sustaining the course of the State, and of impugning that of the Federal Administration. He appeals, in conclusion, to the citizens of the State, to warn them against being seduced from their "primary allegiance," exhorts them to disregard those "vain menaces" of military force, and he requires them to be fully prepared to sustain the dignity and protect the liberties of the State, if need be, with their lives and fortunes.

Matters had now reached that point when, if neither party gave way, of which there seemed no probability, the question would be decided by physical force. All the States, then, looked on with lively interest, and the subject was fully discussed in several of the Legislatures which were in session. A very large majority of them, by decisive votes, did not hesitate to condemn the course of South Carolina, and to deny nullification of a law of Congress by a State to be the rightful remedy for a supposed violation of the Constitution. Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, Kentucky, Indiana, and Tennessee, all took this course. Even the State of Georgia, which, like South Carolina, was vehemently opposed to the tariff, and had proposed a convention of the Southern States for the purpose of devising some mode of obtaining relief from it, passed a resolution declaring that they abhorred the doctrine of nullification, as neither a peaceful nor constitutional remedy. A similar course, both in opposing the tariff, and in condemning nullification, was taken by Alabama.

The Legislature of Virginia took a different course. It

passed resolutions earnestly requesting and entreating the State of South Carolina to rescind the ordinance of the late convention of that State. With equal earnestness it requested Congress to modify the tariff acts, so as to reduce the revenue to the proper expenditures of the Government. It alleged that the people of Virginia expect, and the people of all the States have a right to expect, that the General Government and the Government of South Carolina will abstain from all acts calculated to disturb the tranquillity of the country, or to endanger the existence of the Union : and, referring to the opinions advanced by the convention of South Carolina on the one hand, and those advanced by the President in his proclamation on the other, they declare that they regard the doctrines of State sovereignty and State rights, as set forth in the resolutions of Virginia in 1798, and sustained by the report thereon in 1799, as unquestionably true; but that they do not consider them as sanctioning the proceedings of South Carolina in her ordinance, nor the principles assumed by the President in his proclamation. The Legislature finally decide that a Commissioner be appointed to bear to the State of South Carolina the foregoing preamble and resolutions, and to use his efforts to induce that State to accept their mediation, and to accede to their advice.

Mr. Benjamin Watkins Leigh, a distinguished lawyer of Virginia, was then appointed the Commissioner, and he forthwith proceeded to South Carolina in that character.

The Legislature not being then in session, it was summoned by the Governor to meet in the month of March, in consequence of the mediation of Virginia.

In the mean time, Congress, finding the President supported throughout the Union by public sentiment, which

it is always ready to obey, began to prepare to meet the threatened resistance of South Carolina. In January, the Judiciary Committee, to whom the President's message on the subject of South Carolina had been referred, reported a bill to enforce the revenue laws in that State. It provided that, "whenever it shall be found impracticable to collect the duties on imports, by reason of threats, combinations, or other unlawful obstructions, for the collectors of the ports to detain all vessels and cargoes until the duties were paid in cash; and that the President may employ such part of the land or naval forces of the United States as he may deem sufficient for the purpose of preventing the removal of such vessel and cargo; and also of preventing and suppressing any armed or riotous assembly of persons resisting the custom-house officers. In all suits brought in any State court against any officer of the United States on account of any act done under the laws of the United States, or under color thereof, he may remove the said suit to the Circuit Court of the United States. Where the copy of any record is refused, it shall be competent for the party to supply such record by other proof.

"That when the President shall be officially informed that any law or laws of the United States will be obstructed by military force, or other unlawful means, too great to be overcome by the ordinary legal proceedings, he may issue his proclamation declaring such fact or information, and requiring such military force to disperse; and if, then, such obstruction shall be made, he may promptly employ such means to resist and suppress the same, and to cause the laws to be executed, as were authorised by the act of Congress of February, 1795, and also by the act of March, 1807.

"That in any State which refuses the use of its jails for

persons arrested under the laws of the United States, the Marshal may, under the direction of the Judge, use other convenient places for that purpose.

“That any Judge of a District Court, or Judge of the Supreme Court, may issue writs of *habeas corpus* in all cases of prisoners who shall be confined by any authority or law for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree of any Judge or Court thereof; any thing in any act of Congress to the contrary notwithstanding: and any refusal to obey the same, or any false return to it, shall be held to be a misdemeanor, and be punished by fine and imprisonment.”

After much discussion, this bill (commonly called the “force bill” by its opponents) passed the Senate, on the twenty-ninth of February, by thirty-two votes to one—Mr. Tyler, of Virginia, alone voting against it. Several other members who were absent would have voted against it.

But all the apprehended evils of an open collision between the Federal Government and the State of South Carolina were happily removed by the agency of Mr. Clay, always prompt to interpose his mediation in times of difficulty and perplexity.

On the nineteenth of February, in pursuance of notice given the day before, he asked leave to introduce a bill to modify the various acts which imposed duties on imports, prefacing his remarks with his views and objects. These last, he said, were twofold; the first looked only to the tariff, which he considered to be in imminent danger—the destruction of which, he said, would be attended by the most deplorable consequences. While its opponents complained of it as unjustly taxing a portion of the community, and paralyzing their industry, its friends



complain that our legislation on the subject is ever conciliatory and uncertain, and, before one experiment has been tested, we repeal it.

He was, therefore, anxious to devise some plan of mutual accommodation. The basis of the modification he proposed was one of time: to give adequate protection for a certain period, when the duties should be reduced to that revenue standard for which the opponents of the system contend.

The features of his plan, on each of which he commented at length, were to give protection for about nine years and a half, but gradually reducing it, year after year, until it reached the revenue standard. He would assume this to be a duty of twenty per cent., after the thirtieth of September, 1833 — though, if it were found too little or too much, the error could be corrected; and all duties exceeding that limit he proposed to reduce, annually, one-tenth part. There were some special exceptions to this general provision: coarse cloths, subject, by the act of 1832, to a duty of only five per cent., were to be subjected to the same duty as other woollen goods. Several articles were added to the list of goods exempt from all duty: these were linens, silk manufactures coming from this side of the Cape of Good Hope, and worsted stuff goods: and, after September, 1842, the list of free goods was greatly extended; they are mostly drugs, and articles useful in manufactures.

After having explained the provisions of the bill, he adverted to the proceedings of the State of South Carolina; and while he pronounced that she had been rash, intemperate, and greatly in the wrong, he also apologized for her errors by showing that she had only followed the example of other States, except that she had acted with more rashness; but he did not wish to see her degraded,

or defaced, as a member of this Confederacy, connected with us as she is by so many important ties of the present and the past. He also referred to judicial controversies in Ohio and Virginia.

Mr. Forsyth made some opposition to the bill, as coming too late, and as unconstitutional, by being a revenue bill introduced into the Senate.

After several members had expressed themselves for or against the bill, Mr. Calhoun, on whom all eyes were turned, expressed his approbation of the object for which the bill was introduced; remarking, that he who loves the Union must desire to see this agitating question brought to a close. Though he had been as hostile as any one to the protective policy, yet he would not vote for the prostration of the manufacturing interests; but he would vote only in favor of *ad valorem* duties. He said that there were some of the provisions of the bill to which he objected, but they would present no serious difficulty when members met in the spirit of mutual compromise, without yielding the constitutional question of protection.

The pleasure produced by these remarks was manifested by a loud expression of approbation in the galleries, which induced an order for them to be cleared; but that order was soon after rescinded.

Mr. Webster then spoke against the bill, and sustained the objection to it as a revenue bill. He objected to it, as a surrender of the power of discrimination, or a stipulation not to use that power in laying duties on imports, after eight or nine years. He could not enter into such a treaty, but he wished to leave their successors as free to act as themselves. He did not conceive the tariff to be in imminent danger; if so, it must be because the American people are not willing to sustain it, which he did

not believe : but he would, the next day, offer resolutions expressive of his opinions on this interesting subject.

These resolutions were, accordingly, offered the next day. They were :

That the annual revenue should not exceed the wants of the Government ; but, in reducing the duties to this standard, a just regard should be had to the various interests and opinions of different parts of the country.

That, to effect this, discrimination ought to be made in the rate of duties, so as not to operate injuriously on the domestic manufactures, especially such as are essential in war, such as have been established in the faith of existing laws, and such as will affect the rate of wages of American manual labor.

That it is unwise, as well as against the practice of all enlightened nations, to reject discrimination on all articles to be taxed.

That as the people have deprived the States of the power of protecting manufactures, and have transferred it to Congress, they cannot constitutionally surrender or abandon such power ; and that no law ought to be passed, restraining Congress from the full exercise of this power.

These resolutions were ordered to be printed.

On the passage of Mr. Clay's compromise bill, Mr. Webster opposed it on various grounds, in which, however, he paid a high tribute to the purity, zeal, and ability of Mr. Clay. He adverted to his own course, and said that he, as well as New England, had been opposed to a high protective policy ; but that he had finally acquiesced in it.

His objections were, that the bill imposed a restriction on the future legislation of Congress, and because it seemed to yield the principle of protection. He could

not help thinking that a panic had something to do with the bill, and that, if the South Carolina ordinance and replevin law had not appeared, this bill never would have been introduced.

He thought that there were practical difficulties in the execution of the bill, as in ascertaining the "legal value of cotton," and of other articles. He did not think that it would be efficient as a measure of finance. It would be very injurious to manufactures of wool, of iron, and some other articles.

Mr. Clay replied to these objections, and supported his former positions. He in turn eulogized the patriotism and purity of Mr. Webster, and expressed a lively regret at the present difference between them. In the course of his remarks, he admitted that he would have voted for the revenue collection bill, but it would have been with reluctance, because of the consequences that might result: that, with some exceptions, as to the doctrines of the President's proclamation, he approves of it, and of his message on the subject of South Carolina. He disclaimed the ambitious views imputed to him, and said, "if Congress would pass this bill, he would willingly retire to the groves of Ashland, where he could find a fidelity and affection he had not always found in public life."

After much discussion on subsequent days, the vote was taken on its final passage in the Senate, where it passed by twenty-nine votes to sixteen.

Mr. Clay's compromise bill, after it had passed to the third reading in the Senate, was introduced, word for word, in the House, and passed on the twentieth of February, by one hundred and twenty votes to eighty-four — the New England States voting against it, except Maine and New Hampshire; the Southern and South-

western States, and Kentucky and Maryland, unanimously for it; and the others divided. This bill, sent to the Senate, was there passed by twenty-nine votes to sixteen; and thus a second time Henry Clay gave peace to the country, and restored harmony to its distracted counsels.

The bill for the collection of the revenue, called the *force*, or *enforcing bill*, though it was strenuously urged that, after the compromise bill, it was unnecessary, passed by one hundred and forty-nine votes to forty-eight.

The mediation of the State of Virginia had previously induced South Carolina to postpone the operation of her ordinance until the fourth of March, on the avowed ground that they would wait to see what Congress, at its present session, would do on the subject of the tariff. It should also be mentioned that those citizens of that State who were opposed to the measures of the Legislature, were not silent and inactive, but they also held a convention, in which they passed resolutions condemning the course pursued by the State as both unconstitutional and dangerous.

On counting the votes for President and Vice-President in the Senate Chamber, it appeared that Andrew Jackson had received two hundred and nineteen of the whole number, two hundred and eighty-eight votes; Henry Clay, forty-nine, besides two votes of which he was deprived by the indisposition of the Electors; John Floyd, of Virginia, eleven; and William Wirt, seven. The warmth with which Governor Floyd had espoused the cause of South Carolina, had procured for him all her votes; and Mr. Wirt had received the votes of the Anti-Masons, who at that time predominated in Vermont.

Mr. Clay's land bill of the last session, which had been

again introduced at this session, passed the House of Representatives by ninety-six votes to forty.

The subject of the removal of the Government deposits from the Bank of the United States having, in consequence of the doubts expressed by the President about their safety, been referred to the Committee of Claims, in the House of Representatives, Mr. Verplanck, of New York, made a report, in behalf of the Committee, on the first of March, which stated that, according to the evidence exhibited to the committee, the Bank had earned, and then possessed, a surplus of twenty-two per cent. above the amount of its capital of thirty-five millions: and that it appears, from documents of unquestionable authority, that the Bank has above nine millions of specie, with a circulation of notes to the amount of seventeen millions and a half; whilst the aggregate of the other banks, with specie a little above two millions, have a circulation of sixty-eight millions. They conclude with a resolution, "that the public deposits may be safely continued in the Bank."

The report of the minority—signed by three members, and drawn by Mr. Polk—was very voluminous, containing much testimony from the Bank directors respecting the course of the Bank as to the three per cents., and showing that some of the most important business of the Bank was managed exclusively by the President, and sometimes without the knowledge of the directors. The general bearing of their report may be seen from the following passage:

"That the Bank of the United States has not the means of ultimately paying all its debts, no one will maintain. Whatever may have been its mismanagement, it is not to be apprehended that its bad debts are equal to its whole capital stock. But its ultimate solvency is

not the question for the consideration of the Government. The point to be considered is, whether it has been a prompt and faithful agent of the treasury; whether it has been able and willing to pay over the public funds deposited in it on demand, for the purposes of the Government; and whether it is now, and is likely hereafter to be, in a condition to do so."

They proceed to show that the great extension of its loans in 1831 and 1832 leave room to doubt whether it could collect its funds in time to meet any considerable demand of the Government.<sup>1</sup>

The South Carolina convention having been again called together by James Hamilton, its President, in consequence of the mediation of Virginia, they, after a short deliberation, on the report of a committee of twenty-one, passed another ordinance, in which it is stated that Congress having, by a recent act, so reduced and modified the duties upon foreign imports, as amounted substantially to a reduction to the revenue standard, and that no higher duties should be laid than was necessary to defray the economical expenditure of the Government, it was resolved that the ordinance nullifying certain acts of Congress should be repealed, provided that the act amending the militia laws of the State should remain in force until they were repealed or modified by the Legislature.

The meeting of the *Union* convention, which had been proposed by the minority of the Legislature, was, in consequence of this change of circumstances, deemed no longer required, and was, by common consent, indefinitely postponed. Thus, the peace of the country, which had been so seriously threatened, was secured by the wisdom, pa-

<sup>1</sup> See these reports in the Register of Debates, Vol. IX., Appendix, page 64.

triotism, and firmness of one man, at the very moment when he had failed in obtaining the suffrages of his countrymen. This memorable compromise between two angry parties, which seemed on the point of appealing to arms, unequal as the contest would have been, gave general satisfaction to the nation. After soothing the pride of the nullifiers, as it seemed like a concession to their demands, it enabled them to see what their excited passions had prevented them from seeing, that they had escaped a mortifying and perhaps most disastrous defeat, unsupported as they were by a majority of any State in the Union; and it gratified the friends of peace, law, and order, that the extreme and odious remedy of force was no longer necessary. The only malcontents were the enthusiastic favorers of domestic manufactures, who saw so serious an inroad made in their favorite policy of protection, when it seemed about to obtain a certain and a permanent triumph.

Thus, the first term of Jackson's administration, which had been, throughout, stormy and contentious, with Mr. Clay his rival, Mr. Calhoun his most efficient supporter, with every member of his Cabinet except Messrs. Van Buren and Barry, and last, with the Bank of the United States, finally closed in peace; which result he owed to his most hated rival.

In this session, immediately after General Jackson had received nearly three-fourths of the Electoral votes, and when a majority of the House of Representatives appeared to be his political friends, large majorities voted for the Land bill, against his wishes; and a majority of more than two-thirds refused to sanction his purpose of removing the public deposits from the Bank. The vote on Mr. Verplanck's resolution against removing the deposits was one hundred and nine to forty-six. It was



vehemently opposed by Mr. Polk, afterwards President; and was supported by Mr. Ingersoll, of Pennsylvania, and Mr. M'Duffie.

Every bill which had been passed by the two Houses received the President's sanction, except Mr. Clay's bill for distributing the proceeds of the public lands, which had been sent to him only the day before the session ended. This was neither passed nor rejected, to the great regret of its friends, some of whom went so far as to maintain in the public journals that, under a fair construction of the Constitution, as the bill had not been returned to Congress by the President, it had become a law.

This untenable opinion is mentioned, not so much to show the anxiety felt for the bill, as to indicate the fertile astuteness with which men construe constitutions according to their wishes. This was their argument: that, by the Constitution, every bill which passes the two Houses becomes a law, if it be not returned within ten days, unless such return is prevented by an adjournment of Congress: that this exception meant a voluntary adjournment, and not an adjournment (as in the present case) made by the Constitution: and that the land bill, not having been so returned, therefore became a law.

To an unbiassed mind, it was clear that this provision of the Constitution was intended to secure, both to the Legislature and the Executive, the powers respectively assigned to them—in preventing the Executive from defeating a bill by unduly detaining it, and in not allowing the Legislature to prevent its return by a premature adjournment; but it further showed that it did not mean to lessen the time allowed to the Executive to consider the subject; and this evident purpose would be defeated by the construction contended for.

The third of March, 1833, terminated the twenty-second Congress, and General Jackson's first term. The principal measures of his administration were: the adjustment of the West India trade with Great Britain; an advantageous treaty with France; the vetoes of Mr. Clay's land bill and Bank charter; the great increase of the specie in the country; and, lastly, the passage of the compromise bill.

But the most striking feature of his administration was, that its presiding officer was unceasingly engaged in a series of angry controversies, which, whatever was their origin, always assumed more or less of a personal character. He quarrelled with the Vice-President, with three of his first Cabinet, with Mr. Duane, with the French Government, and with Mr. Biddle and his Bank; and as he was victorious in most of these disputes, and not decidedly unsuccessful in any, and as he appeared always to think himself right, it can scarcely be doubted that his popularity was rather increased than diminished by his belligerent propensities.

## CHAPTER XXVIII.

### JACKSON'S ADMINISTRATION.

#### SECOND TERM.

1833—1835.

On the fourth of March, 1833, General Jackson delivered his second inaugural address.

After expressing his gratitude to his fellow-citizens for the renewed proof of their confidence, he adverts to some of the principal events of his administration.

The foreign policy of the country had been crowned with almost complete success, and had elevated our national character. To do justice to all, and submit to wrong from none, had been the governing maxim of his administration.

In our domestic concerns, there were two principal objects of his increasing solicitude: these were the preservation of the rights of the States, and the integrity of the Union — objects which are closely connected, and can be attained only by each exercising its appropriate powers: and he regards the preservation of the rights of the States, and their political union, as equally important to the happiness and welfare of the nation.

The present time, he says, is full of interest, and the issue of the existing crisis will decide the opinion of the world on the practicability of our Federal Union. He states the principles of moderation, order, and economy by which he should be guided; and he concludes with a

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fervent prayer that we may continue forever a UNITED and HAPPY PEOPLE.

While the compromise on the subject of protection had put an end to all danger of collision between the General Government and one of the States, it seems to have been received with far less favor by the party of which Mr. Clay was the head, than by its opponents — for those who had defended nullification were not only gratified at the reduction of the duties, but they regarded the compromise as the result of the opposition of South Carolina, and, consequently, as matter of party triumph: while, on the other hand, the friends of protection considered it as, if not an absolute abandonment of the principle, a surrender of so much of it as must be of serious injury, and perhaps ruinous to many branches of manufactures. But, since this evil was not immediate, many were not without hope that, before the expiration of the eight years in which the reduction of duty was to take place, their cause would be strengthened in the nation; and, consequently, in Congress, the number who were pleased with the compromise greatly exceeded that of the discontented.

The tariff question, and the threatened nullification and secession of South Carolina being now settled, the Bank of the United States formed the chief topic of party controversy. The hostility to this institution had gradually increased in the nation with the popularity of General Jackson, and opposition to the renewal of its charter was evidently gaining ground.

Though the vote in the House of Representatives<sup>1</sup> against the removal of the public deposits from the Bank was one hundred and nine to forty-six, the President was determined on that measure, and persevered, as we

<sup>1</sup> Niles's Register, Vol. XLIII., page 106.

shall find, until he found a Secretary of the Treasury, to whom the power of removal was given by law, who was willing to comply with his wishes.

As a preliminary to this step, he appointed a special agent—Amos Kendall—for the purpose of inquiring of the State banks on what terms they would perform for the Government the services then rendered by the Bank of the United States. This agent accordingly communicated with them severally in reference to the deposits of the Government, and the distribution of its revenue, without, however, pledging the Government to the removal of the deposits before the expiration of the charter.

In the meanwhile, all the means in the power of the Bank, or of the Administration, were taken to influence public opinion for or against the Institution, and more especially as to the removal of the deposits. Since the money of the Government was altogether in the Bank or its branches, and always amounted to several millions, for which the Bank paid no interest, but on which it could extend its loans, the removal of these deposits would greatly diminish its annual profits, and in lessening its ability to make loans, it was of course strongly objected to by the numerous class of borrowers, as well as of the stockholders; and by not a few who regarded the course of the President as dictated by feelings of resentment, and the desire of victory in an undignified contest with a joint stock company.

Amongst the complaints made against the Bank of the United States, by which its enemies were enabled to injure it in the minds of the people, were its course in preventing the Government from paying off a part of the three per cent. stock as soon as it wished, and in charging the Government with the legal damages on a protested draft on France.

The circumstances of the last transaction grew out of the treaty of indemnity negotiated by Mr. Rives. The French Government having stipulated to pay a certain sum in annual instalments, in the confidence that the money would be punctually paid, according to the treaty stipulation, the Secretary of the Treasury drew for the amount on the French Ministry, and the Bank of the United States became the purchaser of the draft. It turned out, however, that the Chamber of Deputies had not yet made any appropriation for the payment of this money, and, consequently, the French Government was not prepared to pay it. A protest of the draft was the natural consequence, and the Bank, by way of indemnity for the disappointment, inconvenience, and loss from not receiving the money in Paris, required of the Government the same damages as if the draft had been that of an individual. It regarded the affair as a mere business transaction, to which the Government objected in consequence of the relation between the Bank and the Government, and because, moreover, the damages were in the nature of a penalty, and far exceeded, in the present case, any fair measure of indemnity: whereupon the Bank retained the amount it claimed out of the dividends due to the Government, and decided to abide the decision of the Supreme Court, in a suit that might be instituted against them by the Administration.

The case of the three per cents., which first occurred, was this. The Bank knowing that if this stock was purchased by the Government, the purchase-money would proportionally lessen the amount of the Government deposits, endeavored to prevent the sale of a portion of them by a negotiation with the Barings. It first aimed to prevail on a house in New York, which was an agent for the public creditors to the amount of one million

seven hundred thousand dollars, to postpone the sale; and failing in that, as also in the application to the Government to postpone the redemption, on the ground of extraordinary pressure on the Bank, it found itself compelled to negotiate a loan abroad. General Cadwalader was sent by the President to negotiate this loan, without consulting the Board of Directors. He agreed to purchase a part of the three per cent. stock, and to defer the redemption of a part. This purchase, it was alleged, was contrary to their charter. When it was known, by a publication of the Barings, that this negotiation had been made by Cadwalader, it was then said that he had exceeded his instructions, which had been to negotiate a loan, and not to purchase stock. It was thus alleged that the Bank had interfered in the purchase of the three per cents. which the Government wished to make, because it was unable to pay to the Government the deposits it held.

As usual, in such cases, the Bank was blamed or justified by men, according as they were supporters or opposers of the Administration. If it was a settled purpose of the Government to pay off this debt, it seemed improper in the Bank, which had been established by the Legislature principally for the purpose of aiding the Government in its finances, to defeat its purpose.

It seems, too, to be subject to censure for exacting of the Government damages beyond what they had actually sustained, in consequence of the protest of the bill. There were several circumstances to distinguish this case from that of an ordinary mercantile transaction. First. The very large amount of the bill—for the damages which would be sufficient to indemnify in the case of an ordinary sum would be far more than sufficient in the case of millions. The amount is commonly

regarded both in the rate of interest for money, and in case of commissions. Second. From the relation in which the Bank stood, as the financial agent of the Government, which was obviously a source of great profit, and they might have been content to sustain an occasional loss in an agency which was commonly so gainful. Third. There was another reason why, in equity, they should not have set up the said demand against the Government which they might have urged against an individual: they had a security here which individuals could not give, more especially as they had the means of payment in their own hands.

In the month of May, a treaty of commerce and navigation with Russia was ratified. It had been negotiated by Mr. Buchanan, the Minister from the United States. The vessels of each nation were allowed to enter the ports of the other on payment of the same duties as were paid by its own vessels, and they were free to import every kind of merchandize. The same freedom was allowed in exports as in imports: nor were any higher duties to be laid by either nation on the manufactures of the other than are laid on the manufactures of any other foreign nation. Each nation might appoint Consuls and Vice-Consuls in the ports of the other, who might act as judges and arbitrators between the captains and their crews of the respective nations; and who might require the aid of the local authorities to search, arrest, and imprison deserters from their respective ships. The citizens and subjects of the two nations should have power to dispose of their personal goods within the jurisdiction of the other; and where they held real estate, and the laws of the country did not permit their lands to descend to an alien, time should be allowed to his representatives to dispose of them. Any



favours or privileges in navigation or commerce granted to any particular nation by either of the parties should also be granted to the other. The present treaty to be extended to Poland, so far as the same was applicable.

Mr. M'Lane having resigned the office of Secretary of the Treasury, in consequence, it is said, of his unwillingness to remove the public deposits from the Bank of the United States, Mr. Duane, of Pennsylvania, was appointed in his place, and Mr. M'Lane was made Secretary of State.

Amos Kendall having reported the agreement of the State banks to render the services to the Government which were then performed by the Bank of the United States, on such terms as were deemed safe and satisfactory, the President was determined to delay the removal no longer.

The legality of the President's interfering in the discharge of a duty which had been specially assigned to the Secretary of the Treasury, had been contested by the friends of the Bank; but as his power of appointing and removing that officer was unlimited, except by the Senate, it seemed futile to deny him the power of ordering that to be done directly which he could always effect by appointing some one who agreed with him in opinion, or who, at least, would be willing to comply with his wishes.

The subject was, however, much discussed in the Cabinet, and the sentiments of the members seem to have been greatly divided about the measure, either as to its legality or its expediency. But General Jackson was not to be thus diverted from his purpose. On the eighteenth of September, he read to his Cabinet, called together for that purpose, a paper setting forth the rea-

sons on which he had decided to remove the funds of the treasury from the Bank of the United States.

He begins by referring to his opinion of the dangerous tendencies of the Bank, from the time that he entered on his duties as President, which he had indicated in all his early messages to Congress, and which the acts of the Bank have since confirmed; and believing the institution to be both inexpedient and unconstitutional, he had determined never to give it his sanction.

He then recites the objectionable measures of the Bank. Its motives for applying for a recharter in 1832 were to influence the election of the President, and thus obtain a reversal of his decision.

Although the charter was approaching its termination, and it was known that the Government wanted its deposits for the payment of the public debt, it extended its loans from January, 1831, to May, 1832, from forty to seventy millions of dollars—by way of bringing as large a portion of the people as possible under its influence; and that some of the most considerable sums were granted to conductors of the public press; and the motive was manifested by the insufficiency of the security, and by the unusual length of the loans.

Many documents and articles were circulated at the expense of the Bank to bring the people to a decision favorable to that institution. Its debtors were warned of the ruin which awaited them, should the President be sustained, and of the depression in the price of property, and other inconveniences and distress.

Under these circumstances, he asks, if the question of the recharter was not decided at the Presidential election. The issue was frankly met by himself, and fairly made up before the people. In confirmation of this

view, he refers to the conclusion of his veto message on the bill for rechartering the Bank.

Of all the substitutes proposed for the present Bank, none seems to have united a large portion of the public in its favor. Most of them are liable to the same constitutional objections. In ridding the country of "an irresponsible power," that has attempted to control the Government, it would be equally dangerous with the Executive. He therefore assumes that the charter of the present Bank will not be renewed, and that no substitute for it will be established. It is, therefore, his duty to provide in time for the public services now rendered by the Bank.

After citing the passages of the act of Congress relative to the deposits, he remarks that the power of the Secretary of the Treasury is "*unqualified*," and the provision that he shall report his reasons for a removal to Congress, is no limitation. He refers to Mr. Crawford's declarations of his power to transfer the deposits to the State banks, and says that in some instances he did transfer—by way of showing that this power of the Secretary of the Treasury was undisputed.

Since the charter of the Bank will expire in little more than two years and a half, he urges that it is not too soon to provide that new system for the collection and distribution of the revenue which will then be necessary. Some of the changes cannot be suddenly made without great inconvenience. It is safer to begin the reform too soon than too late.

It is for Congress to decide on the best substitute for the present Bank, and the President would have been relieved from a painful responsibility if the charter had not devolved it on one of the Executive Departments. But this provision is in the nature of a contract with

the Bank; and unless the Secretary of the Treasury first acts, Congress has no power over the subject.

The duty thus cast upon the Executive, of deciding how long before the charter expires the deposits should be removed, ought to be "faithfully and firmly met;" and while the President abstains from the exercise of doubtful powers, he cannot turn aside from any responsibility which his duty requires him to encounter; and, in the discharge of this duty, he thinks he is now justified in removing the deposits "without reference to the conduct of the Bank, or their safety in its keeping."

But further reasons may be found in the conduct of the Bank, which are thus given.

It had, as has been mentioned, increased its loans, in sixteen months, to twenty-eight millions of dollars, though it knew that the Government intended to use its deposits in the payment of the public debt; and the Bank, knowing its inability to pay the public deposits, commenced a secret negotiation with the agents for two millions seven hundred thousand dollars of the three per cent. stocks held in Holland, to induce them not to come forward, for a year or more after notice was given to them by the Treasury Department.

The Bank was then informed that the Treasury Department meant to pay off one-half of the three per cents. on the first of July succeeding — six millions five hundred thousand dollars. The President of the Bank then came to Washington, and representing that the Bank wished to accommodate the merchants of New York (which it failed to do), and undertaking to pay the interest itself, procured the consent of the Secretary and the President to postpone the payment until the first of October.

Knowing this respite to be insufficient, an agent was

sent to England to negotiate with the holders of the public debt in Europe, to induce them, by the offer of higher interest than was paid by the Government, to hold back their claims for one year; during which time the Bank expected to retain the use of five millions of dollars of the public money, intended for the payment of the debt. An arrangement was made that in part violated the charter of the Bank, and when this arrangement was accidentally discovered, this part of the acts of the agency was "disavowed." A modification of the rest was attempted, and partially succeeded, of getting possession of the certificates of stock without payment of the money. This attempt to thwart the Government in the payment of the public debt would have justified the instant withdrawal of the deposits—both by its misrepresentation of facts, and by showing its inability to meet the demands of the Government.

In his message to Congress, which produced the inquiry made by the House of Representatives at the last session, while he sought the aid of Congress to obtain a knowledge of the facts important to guide his judgment, it was not his purpose to shift his own responsibility on the representatives of the people. He must act for himself in all cases in which the Constitution and the laws have made it his duty to decide, and which, he trusts, that elevated body will never regard as a mark of disrespect.

But from the evidence which has since been laid before the President, he is persuaded that the Representatives would have come to a different conclusion respecting the deposits, if the same evidence had been possessed by them. He then refers to the loans of the Banks to creditors, some of whom have since become insolvent, and to others made without security.

He next adverts to the case of the protested bill on France. The Bank, with six millions of the public money in its vaults, after having had the use of from five to twelve millions for nine years without interest, became the purchaser of a bill drawn by this Government on that of France for about nine hundred thousand dollars, and the purchase-money was left in the Bank; and the bill having been sold in England, and not being paid, it was taken up by the agents of the Bank in Paris with the funds of the Bank; and it demands fifteen per cent., or one hundred and fifty-eight thousand dollars, as damages, when no damage worth notice had been sustained. Is a fiscal agent to the Government, he asks, which thus seeks to enrich itself at the expense of the public, worthy of further trust?

He mentions other facts not known to the House of Representatives.

The charter and rules of the Bank require seven Directors for the transaction of business: yet the most important business was transacted by five members, who do not report to the Board. When the Government Directors aimed to bring back the business to the Board, this attempt was overruled, and the rule was made to conform to the practice, in violation of the charter.

The President of the Bank originates and executes many of the most important measures of the Bank, of which the Committee, as well as the Board, are left in ignorance. An unlimited discretion has been vested in him to expend the funds of the Bank in circulating articles, and purchasing pamphlets and newspapers to favor the renewal of its charter. He especially refers to an article in the Quarterly Review of November, 1830, and copies of the reports of General Smith in the Senate, and

<sup>1</sup> Written by Mr. Gallatin.

of Mr. M'Duffie in the House of Representatives, in favor of the Bank. The expenditures purporting to have been made under the authority thus given to the President were, during the years 1831 and 1832, about eighty thousand dollars. For a part of these expenditures no vouchers were produced. The Government Directors offered a resolution calling for a specific account of these expenditures, showing their objects, and the persons to whom the money had been paid; but their resolution was voted down, and the power before given to the President was renewed and confirmed.

The funds of the Bank were thus placed at the disposition of the President for employing the whole press of the country in the service of the Bank, to hire writers and newspapers, without the responsibility of rendering an account. The Bank is thus converted into a vast electioneering engine, with means to embroil the country in deadly feuds, and to extend corruption through all the ramifications of society.

The money has not been expended merely in the publication and distribution of speeches, reports of committees, or articles written to show the constitutionality or usefulness of the Bank, but to publish the grossest invectives against the officers of the Government. The refusal to render an account of the mode in which a part of the money expended has been applied, justifies the suspicion that it has been used for purposes they cannot venture to expose to the public.

With a knowledge of these facts, the President would feel that he was responsible for these abuses and corruptions, and almost an accomplice in a conspiracy against the Government, if he did not use all the power he possessed to put an end to such enormities. Can the deposits be considered safe, when we find that tens of thou-

sands have been expended for improper and corrupt purposes, and that the same motives may lead to the expenditure of hundreds of thousands, and even millions?

To the objection that, in case the deposits are removed, the Bank has the power, and will have the disposition to destroy the State banks, he says similar dangers were predicted from a refusal to grant the charter; but no such injurious consequences have followed. The funds of the Government will not be annihilated by being transferred; and if the Bank of the United States will be thereby obliged to curtail its loans, the State banks will be enabled to increase theirs.

Should the Bank, for the purpose of producing distress, press its debtors more heavily, the consequences will recoil upon itself, and will bring loss to the holders of its stock. But even if the Bank possessed the power ascribed to it, the President's determination would be but the more inflexible. The struggle can never come with less distress to the people than at this time.

The State banks we now know officially are willing to undertake the services rendered by the Bank, on the same terms, and to the same extent. They would not be willing to undertake the service if it would be hazardous to them. The only consideration is the safety of the public funds; but when the Directors of many of them are willing to pledge not only the capital of their corporations, but their own property and reputation, we must suppose the public funds would be safe under their management.

From these considerations, he thinks the funds ought to be immediately withdrawn from the Bank of the United States, and placed in the State banks. The security required from the State banks is a matter of detail to which the Treasury Department will attend.



Besides rendering the same services as the Bank of the United States, the State banks of deposit will be expected to facilitate domestic exchanges; to grant all reasonable facilities to the payers of the revenue; and to exercise liberality towards the other State banks, and to do nothing uselessly to embarrass the Bank of the United States.

In putting down one bank we should be careful not to raise up another power equally formidable. It would, therefore, be expedient to assume no more control over them than would be necessary to insure the safety of the deposits, and the performance of their duties. Any interference by them in the elections ought to cause their prompt discharge from the public service. The President wishes the control of the banks, and the currency should be entirely separated from the political power of the country, as well as "wrested from an institution which has already attempted to subject the Government to its will."

He concludes with remarks on the transcendent importance of this subject, both in its principles and consequences, and says that, viewing it as he did, the President could not forbear to press upon the Secretary of the Treasury those considerations which recommend immediate action. But in the discharge of this duty, he does not wish any member of the Cabinet to do any act which he believes unlawful, or in his conscience condemns. Nor does he mean to dictate to the Secretary of the Treasury. He shall be happy, if the facts now disclosed produced uniformity of opinion, and unity of action. He repeats that this measure rests solely on his own responsibility, which is assumed "as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." With these convictions,

he feels that the measure cannot be commenced too soon, and he names the first of October for the removal of the deposits, or sooner, if the necessary arrangements with the State banks can be made.

Mr. William J. Duane, of Pennsylvania, was then Secretary of the Treasury. It seems that he was appointed under the expectation that he concurred with the President as to the propriety of removing the deposits—three of the Cabinet being in favor of the removal, and only one opposed to it, and a third who, though disinclined to the measure, said he would support the President, if he resolved on it. But after the President's return from his Northern tour in July, Mr. Duane informed him that, under his existing impressions, he would not remove the deposits, but declared that he would not continue in a situation to embarrass his measures. In answer to a letter from the President on this subject, he declared that, after inquiry and discussion, he would "concur with the President's desire."

In the course of further discussions, he retracted, for reasons which he stated, his former promise to retire, but still professed that his mind was not entirely made up. The preceding exposition of the President's views was read in the Cabinet on the eighteenth of September.

A letter was addressed to the President on the twenty-first of September by Mr. Duane, in which he states his reasons why he refuses to carry the President's views into effect, which are fifteen. He admits that he had promised to resign, if he did not concur with the President; but thinks himself justified in disregarding that promise, because he had not then believed he should be asked to comply with it, and which he had given from a spirit of conciliation: but admits that this refusal to resign cannot keep him in office longer than the Pre-

sident chooses. After a short correspondence between him and the President, the latter finding that Mr. Duane would neither resign, nor consent to remove the deposits, he was, on the twenty-third of September, dismissed from office; and the same day Mr. Taney, the Attorney-general, was appointed to succeed him.

It is not easy for one who was not a living witness of the fact, to know the anxiety and alarm which the threat of removing the public deposits excited in Philadelphia. It was known to all that the average amount of these deposits, always considerable, had contributed to the Bank's loans and accommodations, in proportion to its amount, no less than its capital; and that, if the Bank was suddenly called upon to return this money to the Government, it must at once require repayment of much which it had previously lent. This must compel forced sales of property at reduced prices, ruinous rates of interest, and all the mischiefs of a deficient circulation.

These evils, indubitably great, were naturally exaggerated by those who were interested in preventing the change, until the whole mercantile community, and all who sympathized with them, without distinction of party, were thrown into as great a panic as sudden pecuniary distress could produce. It is not, then to be wondered at that, first Mr. M'Lane, and then Mr. Duane, should have chosen to oppose General Jackson's will, usually so resistless, rather than be instrumental in inflicting so much calamity on thousands of the citizens of Philadelphia, in what appeared to many of them a mere contest for victory between Andrew Jackson and Nicholas Biddle.

The prospect of a collision between the United States and South Carolina had not long disappeared, before

they were threatened with another in a new quarter; and the lands of the Creek Indians became the subject of a controversy in Alabama similar to that which had taken place in Georgia.

A treaty had been made with the Creeks in March, 1832, by which they ceded their lands in Alabama to the United States, with certain specified reservations to their chiefs, to be selected after the survey was made; and it was stipulated that all intruders on the lands thus ceded should be removed until the country was surveyed, and the selections made. Some white persons, under a license from individual Indians, having entered on these lands, and the Indian chiefs insisting that they should be removed under the treaty, orders were given by the War Department to remove them, and to use military force, if necessary, as authorised by the act of Congress.

The State of Alabama took umbrage at this; and in a correspondence between Governor Gayle, of Alabama, and Mr. Cass, Secretary of War, the former denies the authority of the United States to pass the law in question, which he pronounced inconsistent with the territorial sovereignty of Alabama; and he asks that the Government would forbear to carry it into execution. He is willing to refer the question of constitutionality to the proper arbiter — the Supreme Court.

Mr. Cass replied at length to Governor Gayle, stating the President's views, and maintaining the validity of the act of Congress. They differ about the facts connected with the respective rights of the United States and of Alabama, as much as about the principles of law. He fully admits the right of jurisdiction over these lands to be in the State of Alabama, but urges that this cannot interfere with the right of property, which is in the United States. He says the President regrets the

necessity he is under to interfere for the removal of citizens of Alabama, but he had no option, and he should endeavor to execute the duty with the least practicable inconvenience. He admits, also, that Alabama has the power of converting private property to public purposes, on making just compensation; but that this right has not been asserted or acted upon in the present instance. He must, therefore, insist on executing the law; but time is given to the peaceable intruders to remove, until the fifteenth of January. Various precedents and authorities are referred to by the Secretary to justify the course of the Administration.

Governor Gayle's answer to this letter was dated the seventeenth of October.

The excitement on this subject in the State of Alabama was increased by the circumstance that, in August, one of the intruders, a Colonel Owen, who resisted the Marshal of the United States, was killed.

The soldier who shot him having been demanded by the Governor of Alabama, to be tried for the act, Major M'Intosh, the officer commanding, refused to give him up, alleging that he was in the lawful discharge of his duty.

It seems, from the official statement to the Government, that Owen had prepared a mine in his house, to explode when the officer had entered his house by invitation; that he afterwards attempted to shoot the officer, and in resisting with arms the attempt to arrest him he was shot.

A subsequent order to take Major M'Intosh on an attachment for contempt was also resisted; on which the Major received orders to submit to the civil authority of Alabama.

The difficulty of this case was increased by the great

number of settlers on the Creek lands, which was estimated at thirty thousand.

There was great excitement in the State on the subject, and preparations being made in some of the counties to assert the rights of the State by force, ten companies of United States artillery were ordered to Fort Mitchell in Alabama.

The removal of the Bank deposits in November occasioned no little pecuniary embarrassment and distress in the commercial community, by disturbing the existing distribution of the moneyed capital in the cities. The United States Bank was either obliged, or made the removal a pretext for demanding the balances due to it from the State banks, and for refusing discounts to individuals, and calling for repayments, total or partial, from those whom they had formerly accommodated.

The friends of the Administration insisted that this was an artificial panic, produced partly to increase the number of its friends, and partly to provoke the resentment of those who suffered, against the Administration.

Such was the state of things when Congress assembled on the second day of December. There being two persons who claimed the right to one of the districts of Kentucky, Messrs. Letcher and Moore, some discussion arose on the certificates, when Mr. Letcher proposed to Mr. Moore that they should both withdraw until the Speaker was chosen. Mr. Stevenson was then chosen Speaker; when, on producing the documents, Mr. Moore was allowed to take his seat for the present as one of the members from Kentucky.

On the following day, the President's opening message was received.

Of the foreign relations of the country he speaks in most favorable terms.

Although the northern boundary was not yet settled with Great Britain, a renewed negotiation on the subject leads him to expect a satisfactory adjustment of it. By a negotiation with that Government, light-houses on the Bahamas will be erected, which, with those on the western side of the Gulf of Florida, will greatly contribute to the safety of navigation in those seas.

Notwithstanding the most amicable assurances from France, the stipulations of the convention of July, 1831, as to the instalments to be paid to the United States, still remain unfulfilled. It having been made the duty of the Secretary of the Treasury, by the act of Congress of July, 1832, to collect this money, he, to save time and expense, drew for the first instalment on the French Minister of Finance. This bill was not paid, and the reason assigned was, that no appropriation for its payment had been made by the Legislative Chambers, though a subsequent recommendation was made by the King that the sum required should be paid. But the subject was postponed to the following session.

The President regards the faith of the French Government as pledged to fulfil the stipulation, and that, at the next meeting of the Chambers, the appropriation will be made. But the documents respecting the illegal seizures by the French, though repeatedly applied for, have not yet been communicated; and this delay may prevent the completion of the duties assigned to the Commissioners within the time prescribed to them. Under these circumstances, he thought it his duty no longer to delay the appointment of a Minister to France, to despatch him in time to communicate the result of his application. He accordingly appointed a distinguished citizen, and trusts to his representations, and the assurances of the French Government, for a satisfactory result. Should,

however, these expectations be disappointed, the subject will again be brought to the notice of Congress.

A treaty on liberal terms has been made with Russia; and with Spain, who has agreed to pay for spoliations, and a convention has probably, ere this, been negotiated. He recommends that an act of Congress which interferes with the principles of reciprocity as to tonnage duties, to the injury of Spain, be repealed. But, on the other hand, there are discriminations in Cuba and Porto Rico that are injurious to our merchants, which he trusts, on the representations that have been made to the Spanish Government, will be removed.

Further indulgence has been given to Portugal in the payment of the last instalments due from her.

A treaty of amity and commerce has been made with Belgium, and the Commissioners under the treaty of indemnity with Sicily have entered on their duties.

The Danish Government, after duly paying the sums awarded against it, has placed the trade with the Islands of St. Croix on a more liberal footing than before.

Our relations with the new American Republics have undergone little change since the last year. Some of the most important claims of our citizens against Brazil have been adjusted. The boundary line with Mexico, in consequence of her delay in appointing Commissioners, owing probably to her civil dissensions, has not yet been run.

A revision of our Consular system is recommended to Congress.

The finances of the country continue to afford matter of national congratulation. The receipts of the year will amount to more than thirty-two millions of dollars—from customs above twenty-eight million, and from the public lands about three millions. The expenditures, including two and a half millions for the public debt, will



not exceed twenty-five millions; and, of course, a large balance will remain in the treasury. The debt, on the first of January next, will probably be reduced to four millions seven hundred and sixty thousand dollars; so that the whole may be discharged with the balance in the treasury.

He then exults in the anticipation that, when he meets them at another session, he will be able to announce to them that the public debt is extinguished; which fact would prove at once the great resources of the country, and the prudence and economy with which the Government has been administered.

But the flourishing state of the finances ought not to make us lavish of the public treasure. The revenue will be reduced by the change in the tariff, and the change from credit to cash duties has increased the recent receipts. The revenue of the next year is not likely much to exceed the expenses, and therefore no further change in the tariff is recommended. He urges the wisdom of a rigid economy, as we may otherwise find ourselves, after reducing the tariff to lighten the public burdens, compelled to retrace our steps.

He mentions the removal of the deposits from the Bank of the United States by the Secretary of the Treasury. It was not until August that he received an official report from the "Government Directors" of that Bank, by which it appeared that the Bank had, in violation of its charter, placed its funds at the discretion of the President, to be employed in sustaining the political power of the Bank. It being evident that the Bank was thus converted into an electioneering engine, the path of duty that he ought to pursue was plain. It appeared to him that the power given to the Secretary of the Treasury ought to be at once exerted, to deprive that great

corporation of the support of the Government in such abuses of its money and its power.

At this moment, the efforts of the Bank to control public opinion through the distresses of some and the fears of others, are equally apparent, and yet more objectionable. It attempts to produce embarrassment in some, and to create a panic in all. But their efforts have hitherto failed, and from the facts disclosed he should order a *scire facias* to put an end to their chartered rights, if the charter did not so soon expire.

He refers to the report of the Committee, that the public deposits were safe in the Bank; but says that the removal was called for by considerations which are not affected by the report referred to. It will be for Congress to decide whether the Executive has acted in the line of its duty.

Brief references are made to the army, navy, and post-office departments, with some suggestions of reform.

Several treaties have been made with the Indians for their removal to the west of the Mississippi. He is still convinced that these tribes cannot exist surrounded by white settlements. The experiment which has been made has so far proved successful. The emigrant Indians to the West are generally prosperous and contented.

In consequence of the many disasters which have lately occurred in steam navigation, he suggests the expediency of precautionary and penal legislation, so far as the subject is within the constitutional powers of Congress.

His oft-repeated recommendation of an amendment to the Constitution, on the election of President and Vice-President, is again mentioned.

On the fourth of December, the President returned

the land bill of the last session, with his objections to it. He says that the want of time to give the subject due consideration prevented his return of the bill before the rising of Congress. Before he states his objections, he goes into a historical review of the public lands, from the Articles of Confederation in 1777, the resolutions of the old Congress on the subject, and the cessions of the different States.

He objects to the bill, that it violates the pledge to the new Western States, of giving them twelve and a half per cent. of the net proceeds of the public lands before any apportionment was made.

It violates the conditions upon which the other seven-eighths of the proceeds should be distributed.

Because Congress possesses no constitutional power to appropriate the public money for local purposes, and this bill directs the proceeds to be applied to objects of internal improvement or education within the respective States.

The bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid by them, but to create a surplus distribution among the States. He says that a more direct road to consolidation could not be devised, and he dwells on the extent and danger of giving such a power to the Federal Government.

He argues that the measure would, moreover, be injurious to the new States; and he reaffirms his opinions of our true policy to be, that the public lands should, as soon as practicable, cease to be sources of revenue.

After this message was read, Mr. Clay addressed the Senate, and animadverted with much severity on the course of the President. The subject of the public lands, at the session before the last, had been fully discussed,

and had been introduced by the President himself in his first message to Congress; of course it must have been well understood by him. The bill was again brought before Congress at the next session, and passed both Houses, just before the close of the session; but the President, without acting on the bill, or communicating his reasons, retained it. The question was, whether the bill now returned was to be again acted on, or was an existing law. As he had not made up his mind on the subject, he moved that it be laid on the table.

Mr. Benton warmly defended the President against what he called an unfounded attack, which produced a full reply, and a more detailed reference to the legislative progress of this bill. Mr. Benton having withdrawn his motion to take up the bill, it was then laid on the table. The next day, Mr. Clay asked leave to bring in a bill essentially the same as that of the preceding sessions.

Mr. Benton having offered a resolution requiring the amount of money in the Bank of the United States, each month and year since its establishment, Mr. Clay moved, as an amendment, that he also report the names of all the new deposit banks, their respective capitals, the amount of public money in each, their condition, and other facts relative to the transfer of the deposits; which resolution and amendments were, on his motion, ordered to be printed.

He then adverted to the report of the Secretary of the Treasury on the removal of the deposits, which was made the order of the day for the succeeding Monday; and he moved that the President inform the Senate whether the paper purporting to have been read by him to the Heads of the Departments on the eighteenth of September was genuine, and if so, that he cause a copy to be laid before the Senate.

The next day this application was resisted, and after some modification of the resolution, omitting the question of genuineness, it was adopted by twenty-three votes to eighteen.

On the following day the President, by a message, replied to the Senate, that the Executive is a co-ordinate and independent branch of the Government; and he has yet to learn "under what constitutional authority the Senate could require of him any communication made by him to the Heads of Departments, acting as a Cabinet Council." He would always be ready to explain to the American people the grounds of his conduct, and to give to either branch of the Legislature any useful information: knowing the rights of the Senate, he should not interfere with them; and knowing those of the Executive, he should endeavor to maintain them, agreeably to the provisions of the Constitution, and his oath to support it: he must, therefore, from a due regard to those rights, decline to comply with their request.

As the removal of the deposits was followed, in all the commercial cities, with a very great pressure on the mercantile community, meetings were frequently held to send memorials to Congress, or to the President, for the purpose of procuring their restoration. The subject was the most prominent and interesting topic of debate in both Houses of Congress.

Among the papers accompanying the President's message was one signed by Mr. Taney,<sup>1</sup> in which, as Secretary of the Treasury, he assigned his reasons for removing the Government deposits from the Bank of the United States.

In that paper, assuming that the Bank charter, which would expire in March, 1836, would not be renewed, he

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 58.

thought that the public interest required the removal without further delay, and that there were other reasons for the removal, growing out of the misconduct of the Bank, to which he specially refers, and which accord with those stated by the President to his Cabinet, and repeatedly referred to throughout this controversy.

On the fourth of February, a message was received from the President, complaining of the refusal of the Bank of the United States to deliver the books and papers in its possession relative to the pensions to officers of the Revolution, which it insists it has a right to pay, under a just construction of the act of Congress of June, 1832. He has felt it to be his duty to submit the matter to the consideration of Congress.

Accompanying this message was a letter from Mr. Butler, the Attorney-general, to the President, condemning the conduct of the Bank relative to the pensions, and a correspondence between Nicholas Biddle, President of the Bank, and General Cass, Secretary of War, on the same subject.<sup>1</sup>

On the fifth of February, Mr. Webster made a report on the removal of the deposits. He considers that these deposits were one of the benefits which Congress meant to render to the Bank in return for the bonus of a million and a half which it paid to the Government; and the Bank has a right to the deposits, unless it has afforded just cause for removing them.

The safety of the public funds was another consideration of this provision, and the removal of course involves the question of political propriety and expediency.

The propriety of the Secretary's course is subject to the revision of Congress. The right of removal is not

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 102.

absolute, but conditional. If they are removed without good cause, he impairs the rights of the Bank.

The Committee do not concur with the Secretary, that whenever he thinks the public good requires it, he may remove the deposits. This power of the Secretary is not to be exercised arbitrarily or capriciously, but only on grounds of necessity, or plain and manifest expediency. He has in nothing else the unlimited power here claimed. The power now contended for would be to place the whole management of the Bank under his control. But the management is exclusively confined to twenty-five directors. No part of their management, unconnected with the public deposits, is submitted to his judgment. He has no authority, whether it has or has not violated its charter.

The Secretary seems to suppose he has a general guardianship over the Bank, but there is nothing to warrant this opinion. The law has provided the Secretary with ample powers to judge of the safety of the deposits by requiring frequent returns of the condition of the Bank; but it has furnished him with no means to judge of the depreciation of the paper, and other cases of maladministration. Congress has appropriate remedies, to be applied exclusively by itself. It is clear, from looking to the whole law establishing the Bank, that Congress gave the power of removing the deposits to provide for some sudden evil, for which there was no other prompt remedy, and not for an over or under discount. Between these evils and the remedy by the removal of the deposits there is no connection.

The controversy about the French bill furnishes no ground of removal. It is a question about which men may differ, and is proper for a judicial decision.

The power given to the Secretary is a trust power,

and "is to be construed according to the subject and object of the trust." The objects are the safe keeping of the money, and its transfer from place to place; and if the Bank fails in either of these objects, the deposits should be removed; but otherwise, they should remain in the Bank. Of its other acts, in discounting too little or too much, if its committees are not properly organized, if it demands damages on protested bills, or it meddles in politics, the opinion of the Secretary, that he has a right to withdraw from it the custody of the public money, is inconsistent with the purpose of the Legislature, and would give him the power of removal even for believing that a bank is unconstitutional, or upon the utility of continuing it until its charter expires. He may even exercise his power on any supposed ground of public good.

The extent of the Secretary's power being thus ascertained, the Committee proceed to examine the reason he assigns for the removal of the deposits.

The first is, the near approach to the termination of the Bank charter, the fourth of March, 1836. As three sessions of Congress intervene, he should have left this matter to Congress. They had acted on the subject at the last session, and a new session was at hand. He assigns no reason or emergency for not awaiting the meeting of Congress.

The Secretary infers that the Bank charter would not be renewed, from the recent popular elections. But on this subject men may draw different conclusions: one may think a candidate has been elected from his opposition to the Bank; and another, that he has been chosen notwithstanding such opposition; and another may suppose it has produced little or no effect.

But if the inference were fair and allowable, it did



not follow that the deposits should be removed before Congress had decided on the hands into which they should be transferred.

The withdrawal of the money on deposit from a bank whose charter is about to expire, is one of the things longest postponed. The operation, by being made gradual, produces the least disturbance to the community; and the course pursued as to the first Bank of the United States is referred to. A part of the public money remained in the Bank even after the charter had expired. The withdrawal was unnecessarily early, and unnecessarily sudden.

The Committee examine the acts of misconduct alleged against the Bank.

That the discounts are made by a committee, and not by a quorum of the Board.

Supposing this illegal or irregular, how is the error to be corrected by removing the deposits? The Committee, however, believe the practice not unusual. It is important to make discounts oftener than it is convenient for the Board of Directors to meet. It is sufficient if they have a general supervisory power.

But the Government Directors were not on this committee.

But if the appointment of a committee was illegal, it could not be rendered legal by appointing any or all these Directors. There seems to be no ground for the suspicion that there was a special motive for their exclusion. All these discounts are matters of record, and to be seen by all the Directors every day. There might have been good reasons for their exclusion. Their services might have been more useful on committees, or they might not have been so well acquainted with the business of foreign or domestic exchange.

The Committee do not agree with the Secretary in attributing any peculiar duty, trust, or authority, to these Directors, to distinguish them from the rest of the Board.

The charge against the Bank, that the measures of the committee of exchange are systematically concealed from the officers of the Government, is a serious one, but the Committee say they find nothing to justify it.

The question of the right to damages on the protested French bill is examined; and the Bank is, in the Committee's opinion, justified in demanding them; and, whether right or wrong, it furnishes no reason for withdrawing the deposits.

The charge that the Bank has used its means to obtain political power, they also think, if true, offers no ground for the removal.

They examine into the facts relied on by the Secretary. The first is, the extension of its loans in 1831. But this was not complained of then: so as to the extension in May, 1832: which were well known at the time.

The Directors charged with misconduct have a right to defend themselves before the community; and the Secretary is not constituted the judge of their mode of exercising this right, and cannot justly remove the deposits because he does not approve of the course of the Bank. The Committee regard this last reason as more objectionable than any other, as it would leave a high official duty to be exercised from considerations connected with the political feelings and party contests of the day.

The Committee have no doubt that the removal of the deposits is the cause of the existing public distress. In taking care of itself, the Bank would necessarily lea-

sen its loans and accommodations, by having nine millions suddenly withdrawn from it. "The extraordinary spectacle is exhibited of a warfare by the National Government on the National Bank, notwithstanding that the Government is itself a great proprietor in the Bank, and that the notes of the Bank are the currency in which the revenues are receivable. The true and natural relation between the Government and the Bank are thus reversed. They show that the State banks are not able to maintain as large a circulation with nine millions as the National Bank maintained.

Besides lessening circulation, and lowering prices, the removal has acted on public opinion, and disturbed the general confidence, has weakened the public faith, and given alarm for the security of property. They regard the measure as highly inexpedient, and altogether unjustifiable. The Committee forbear to consider the measures adopted by the Secretary for the safe keeping of the public money since the withdrawal from the Bank, or the course of legislation proper in the existing state of things. They recommend the adoption of the resolution referred to them, that the reasons assigned by the Secretary of the Treasury for the removal "are insufficient and unsatisfactory."

Mr. Sprague, one of the Senators from Maine, on the second of January offered a resolution that the Secretary of the Treasury communicate the amount of trade between the United States and the British American colonies, the British West Indies, the Danish West Indies, and the Swedish West Indies, since the thirtieth of September, 1832; distinguishing the American, British and other foreign tonnage: also the amount of imports and exports, distinguished in like manner.

The next day, he said that his motive was to see the

effect of the arrangement negotiated by Mr. M'Lane. He made statements to show that, before the arrangement, the foreign tonnage employed in this trade, which was less than *one-tenth*, had, under that arrangement, *exceeded* the American. The resolution was adopted.

The Bank issued a paper in its own vindication, in answer to the charges against it by the President and the Secretary of the Treasury, and the paper signed by the Government Directors.

Some of the facts are denied : thus, as to the expenditure for printing ; of the eighty thousand dollars said to have been expended for documents and pamphlets to operate on public opinion, more than thirty-three thousand dollars were for printing notes and for circulation, and this money was not expended in Philadelphia alone, but in the Bank and all the branches together. They also urge the increase of the loans made from 1831 to 1832, instead of being twenty-eight millions, as is stated, was only seventeen millions.

The Bank committee undertake to account for the hostility of the Executive towards that institution, by the attempt made by the Treasury Department to have Mr. Jeremiah Mason removed from the office of President of the Branch Bank in Portsmouth, New Hampshire, on account of his political sentiments, and the suggestion made by Mr. Woodbury (now a member of the Cabinet) that his removal would tend to reconcile the people of New Hampshire to the Bank. This proposition not being acceded to by the Directors of the Bank, on the ground that they had no responsibility to the Secretary of the Treasury touching the political conduct of their officers. Thus arose the hostility to the Bank, of those who, "finding it impossible to bend it to their purposes, have resolved to break it."

The report makes an elaborate vindication of all the measures for which it had been reprehended, and, in conclusion, proposes a memorial to Congress asking redress for the wrong done to the institution.

The Legislature of Virginia having expressed, by resolutions, their disapprobation of the removal of the deposits, sent instructions to their Senators to use their best endeavor to procure the adoption by Congress of proper measures for restoring them to the Bank of the United States, Mr. Rives, who had, on this question, supported the Executive, thought it his duty to resign.

Both Houses of Congress were deluged with petitions and memorials on the subject of the removal of the deposits, setting forth the injury which had been occasioned thereby, and asking for their restoration. The number was so great, that the Speaker could not get through the call of all the States. A committee of ten thousand two hundred and fifty citizens of Philadelphia was appointed to carry to Washington their memorial on this subject. In the interview which took place between the committee and the President, he assumed these several positions : —

First. That applications for relief must be made by memorialists to the Bank of the United States, and not to him : that the distress was caused by the Bank, which was hoarding its specie, and curtailing its discounts, to crush the State banks, and induce the Government to abandon its policy : that the stockholders might grant relief by electing Directors who would conduct its affairs *honestly*.

Second. That the present Directors had violated the charter of the Bank, by giving to the President the whole power of the Bank : that the power had been used to destroy the elective franchise : that he regarded

the Bank as "a monster of corruptions," which he was determined to put down.

Third. That the law creating the Bank was unconstitutional.

Fourth. That, having made up his mind on all these points, "*Andrew Jackson* would never restore the deposits" to the Bank — would never recharter that monster of corruption: that persuasion nor coercion, neither the people nor the Legislature, could shake his determination.

Fifth. That he meant to continue the present system of collecting the revenue by the State banks, until the experiment had been fully tried, and he had no doubts of its success: that he would furnish the country with as good, nay a better, currency than the National Bank.

Sixth. He admitted that considerable distress had followed the action of the Government. He had never doubted that *brokers* and stock speculators, and all who were doing business upon borrowed capital, would suffer severely, and that all such people ought to break.

The Judiciary Committee of the Senate, to whom the President's message respecting the removal of the funds, books and papers connected with the pension agency of the Bank of the United States, was referred, made a report,<sup>1</sup> in which the acts of Congress on the subject of pensions are fully examined. They say that the pension fund is to be paid by the Bank of the United States, and that the Secretary of War has no power to remove any of the public deposits from the Bank; and they offer, in conclusion, a resolution, that "the Department of War is not warranted in appointing pension agents in any State or Territory where the Bank of the United States, or one of its branches, is established."

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 110.

The Committee of Ways and Means, to whom had been referred the message of the President respecting pensions, condemn the conduct of the Bank, recommend that the payment of the pensions be confined to a responsible officer of the Government, and report a bill accordingly.<sup>1</sup>

A minority of the same Committee, justify the Bank entirely for its course.<sup>2</sup> It consisted of Messrs. Gorham, Binney, and Wilde.

On the seventh of March, Mr. Clay offered four resolutions, on the power of removing officers of the United States, which had long been a question on which men's minds were divided. They were, in substance, as follows:—

First. That the power of removal, at the pleasure of the President, from offices established by law, is not vested in him by the Constitution.

Second. That in all such offices in which the tenure is not prescribed by the Constitution, Congress may prescribe the tenure, terms, and conditions on which they are held.

Third. That the Judiciary Committee inquire into the expediency of providing by law, that in all cases of appointment to office by the President, other than diplomatic, the power of removal shall be exercised only in concurrence with the Senate; and when that body is not in session, the President may suspend such officer, and communicate the reason of suspension to the Senate at its next session, when the officer shall be removed or not, as the Senate may or may not concur with the President.

Fourth. That the Post-office Committee inquire into

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 123.

<sup>2</sup> Ibid.

the expediency of providing by law for the appointment, by the advice of the Senate, for all deputy postmasters whose emoluments exceed a certain amount.

According to the views already presented<sup>1</sup> on the power of removal, these resolutions of Mr. Clay are repugnant to a fair construction of the Federal Constitution.

In the appropriation bill there was an item of 1825, for a series of experiments made by Surgeon Beaumont on the stomach of a wounded soldier, to illustrate the process of digestion.<sup>2</sup> It was opposed as unconstitutional, but it was carried by eighty votes to fifty-three.

On the fourteenth of March, Mr. Webster asked leave to introduce a bill to continue the charter of the Bank for six years from March, 1836, providing for the deposit of the public money in the Bank and its branches: that the Bank shall pay a bonus to the Government of two hundred thousand dollars annually: that Congress may restrain the Bank from issuing any note under twenty dollars after March, 1836: that, within the last three years of the existence of the Bank, the President and Directors may divide among the stockholders such part of the stock as they may think proper: the Bank to signify its acceptance of this continuance of their charter to the President of the United States on or before the first day of the next session of Congress.

Let us now turn to the debates on the removal of the deposits, which proved to be even more copious and protracted than those on the memorable Missouri question.

<sup>1</sup> Vol. I.

<sup>2</sup> An aperture had been made in this man's stomach, from which he had recovered, and through which food could be introduced, and its changes seen.



The discussion commenced in the Senate on two resolutions introduced by Mr. Clay in December: one declaring that the President, in dismissing the late Secretary of the Treasury, because he would not remove the public deposits, had assumed unconstitutional and dangerous powers: and the other, that the reasons assigned by the present Secretary of the Treasury for removing them were unsatisfactory and insufficient.

The discussion was continued irregularly, and under different modifications, until June. But in March, Mr. Clay so modified his first resolution as to charge the President with assuming "authority and power not conferred by the Constitution and laws;" on which it passed the Senate by twenty-six votes to twenty.<sup>1</sup> The resolution respecting the Secretary of the Treasury passed by twenty-eight votes to eighteen.<sup>2</sup>

In June, Mr. Clay offered two joint resolutions, the first of which declared the reasons given by Mr. Taney to be unsatisfactory and insufficient; and the second required the public deposits to be made in the Bank of the United States after the first of July next. The first resolution passed by twenty-nine votes to sixteen.<sup>3</sup> The second by twenty-eight votes to eighteen.<sup>4</sup>

While the subject was under consideration, resolutions of the Virginia Legislature, condemning the removal of the deposits, having been received, with instructions to the Senators of the State to oppose the measure, Mr. Rives, who had approved of the removal, thought it his duty to resign his seat; and Mr. Leigh, late the Commissioner from Virginia to South Carolina, was appointed to succeed him.

<sup>1</sup> Register of Debates, Vol. X., Part I., page 1187.

<sup>2</sup> Ibid., page 1187.

<sup>3</sup> Ibid., Part II., page 1890.

<sup>4</sup> Ibid., page 1895.

The principal speakers in the Senate opposed to the removal were Messrs. Clay, Calhoun, Ewing, Poindexter, Preston, Wilkins, Tyler, and Leigh. Those who supported the measure were Messrs. Forsyth, Benton, Gilmer, Rives, Grundy, and Wright.

The opponents of the removal assailed it in both Houses on the ground that the right of removal was vested in the Secretary of the Treasury by law, and that the President had no power over the deposits, either by himself or his Cabinet; but that, disregarding the evident intention of the law, the present removal had been, in fact, made by him. They further denied the sufficiency of the reasons given by the President, even if he had the power.

They urged that the Bank charter was essentially a contract between the Government and the Bank; and that, so long as that institution fulfilled its prescribed duties to the Government, it had a right to the use of the unemployed public funds, as a compensation for its services in collecting, keeping, and distributing the public revenue: that the alleged acts of misconduct in the Bank were all defensible; and though they had not been, they furnished no sufficient reasons for removing the deposits from a Bank where they were more safe than they would be in the State banks.

They show that, by the removal, the nation, as a stockholder, was made to incur a certain loss, under the pretext of avoiding a risk of loss which no one believed to exist: and lastly, they lay a stress on the incalculable distress thus unnecessarily inflicted on the community, not merely by its present suffering, but by the alarm and anxiety for the future produced by the arbitrary conduct of the Executive.

On the subject of the public suffering, Mr. Binney, one

of the members from Philadelphia, whose fairness, as well as ability, his adversaries admitted, thus speaks:—

“The change produced in this country, in the short space of three months, is without example in the history of this or any other nation. The past summer found the people delighted or contented with the apparent adjustment of some of the most fearful controversies that ever divided them.” After a glowing picture of the prosperity of the country, and the contentment of the people, he added:—“One universal smile beamed from the happy face of this favored country. But, Sir, we have had a fearful admonition that we hold all such treasures in earthen vessels; and a still more fearful one, that misjudging man, either in error or in anger, may, in a moment, dash them to the earth, and break into a thousand fragments the finest creations of industry and intelligence.”<sup>1</sup>

The friends of the measure maintained that the act of Congress respecting the deposits never intended to interfere with the control of the President over his Cabinet; and if it had, that such an interference would have been beyond its constitutional powers: and they ask their opponents what would have been their doctrine if the Secretary had been disposed to deprive the Bank of the deposits improperly, and the President had interposed his controlling power to protect the Bank. But if he could interpose his authority in that case, he could equally do so on the present occasion.

They show that the removal was justified by numerous acts of the Bank, which had shown itself an unfaithful agent in thwarting some of those fiscal measures of the Government which it was especially appointed to discharge, and in endeavoring to turn the disappointment

<sup>1</sup> Register of Debates, Vol. X., Part II., page 2321.

of the Government (in the case of the French bill) to a source of profit to itself: that it had forfeited all claims to continued favor from the Government by various other acts of misconduct—in making loans, and administering the affairs of the Bank in violation of its own charter and by-laws.

They reproached it for withholding information from the Government Directors, and of systematically defeating the cautionary and defensive purposes of their creation; with lending money upon insufficient security to editors; with using their money and patronage to influence the elections; with circulating pamphlets and documents to defame the President, and to bring the Administration into discredit; with enlarging or contracting its loans, so as to influence public sentiment in support of their particular policy and views: in a word, they insisted that the Bank, instead of being the mere fiscal agent of the Government, and of the mercantile community, had been transformed into a political engine, equally formidable by its wealth, activity, and corruption.

To name all who engaged in the discussion of the removal of the deposits, or of topics growing out of the numerous memorials connected with it, would be to comprehend more than half the members of the House; but those who took the most distinguished part in the debate against the removal appear to have been Messrs. M'Duffie and Pinckney of South Carolina, Binney of Pennsylvania, Adams and Choate of Massachusetts, Archer, Gordon and Wise of Virginia, Burges of Rhode Island, Chilton and Hardin of Kentucky, and King of Georgia: while the leading supporters of the Administration were Messrs. Polk, Peyton and Grundy of Tennessee, Cambrelling and Beardsley of New York, Forsyth, Gilmer, Jones

and Clayton of Georgia, Patton and Loyall of Virginia, and Clay of Alabama.

During the debate in the House, a most remarkable incident occurred, by which all party feelings were suddenly suspended by an appeal to the sympathies of our common nature.

Mr. Bouldin, of Virginia, when about to speak against the removal of the deposits, rose and remarked that, before he said any thing on the question then under discussion, he must advert to a rebuke which he had received from his colleague, Mr. Wise, who had truly stated in his place, that when Mr. Randolph died, he was a member of this House, and yet his death had not been announced on this floor. He said that his colleague had not kindly suggested this matter to him, but that another colleague had most delicately done so; and had intimated to him that, as he was Mr. Randolph's representative, he ought, even then, to mention his death. He must tell this colleague, this House, and his constituents, the reason why Mr. Randolph's death was not announced. Then, after one or two incoherent remarks, he swooned, fell on the floor, and soon afterwards expired. The House immediately adjourned.

Mr. Bouldin was a self-educated man, of unimpeachable integrity, and of superior native powers, as well as of business habits. He had acquired a competent estate by his talents and moral worth, which had elevated him first to the Bench, and then to a seat in Congress. Several of his colleagues, and among them Mr. Wise, did justice to his rare merits.

On the fourth of April, further discussion in the House having been arrested by the previous question, a resolution, that the Bank ought not to be rechartered, was adopted by one hundred and thirty-four yeas to eighty-

two nays. A second resolution, that "the Bank deposits ought not to be restored to the Bank of the United States," was passed by one hundred and eighteen yeas to one hundred and three nays. A third resolution, that the State banks ought to be continued as places of deposit, and that these banks should be subject to regulation by law, was passed by one hundred and seventeen yeas to one hundred and five nays. A fourth resolution, then, by way of ascertaining the cause of the commercial distress complained of, and of inquiring whether the Bank charter had been violated, and whether the Bank has been guilty of corruption and malpractices, proposed that a select committee be appointed to examine the books and proceedings of the Bank, and to take the testimony of witnesses on oath, and to report the result of their investigation. This resolution passed by one hundred and seventy-five yeas to forty-two nays.

Among the multitude of memorials presented to Congress this session, was one from four of the Government Directors, which very copiously sets forth both facts and arguments to show that the conduct of a majority of the Board had been illiberal, unjust, and illegal towards themselves, and inconsistent with the charter and by-laws of the Bank. It was signed by H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh M'Eldery, and was dated the ninth of December, 1834.<sup>1</sup>

On the seventeenth of December, the President nominated these same gentlemen, with James A. Bayard, as the five Government Directors of the Bank; but the Senate confirmed the nomination of Mr. Bayard alone. The others were rejected by a small majority.

On the eleventh of March, the President sent a message to the Senate, in which he renominated the rejected

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 83.

members, and at great length vindicated the propriety of their course, in exposing the malpractices of the Bank. He adds, that as Mr. Bayard had resigned, if the Senate did not confirm the present nomination, the Government would have no Director in the Board.

On the first of May, Mr. Tyler, on behalf of the Committee of Finance, in the Senate, made a report on the renomination of Mr. Gilpin and others, in which he insists that while the President disclaimed any right to inquire into the reasons of the Senate for rejecting the nominees, it is yet more clear that he could not assume those reasons. They rest the propriety of the Senate's course altogether upon its constitutional rights, but at the same time suggest that renominations should be cautiously and sparingly made; and state that, during the Administrations of Washington, Adams and Jefferson, there had been no instance of a renomination.

They refused their assent to the appointment of the four persons renominated, by the vote of thirty to eleven, and ordered the proceedings of the Senate to be printed.<sup>1</sup>

When one considers the array of names on either side of this memorable controversy, it is impossible not to believe that here, as in most disputes in which the feelings of men mingle with their opinions, neither party was wholly right, and neither wholly wrong; and after the lapse of more than twenty years, it may not be too soon to see the errors of both.

Of the course pursued by General Jackson towards the Bank, decisive majorities in Congress against him for three successive years, composed partly of his personal and political friends, can leave no rational doubt that his

<sup>1</sup> Register of Debates, Vol. X., Part IV., Appendix, page 316.

course was at once arbitrary and injurious to the public interests.

Of the course pursued by the Bank, let us now inquire how far its errors, whether of mistake or delinquency, contributed to its own downfall.

It must be remembered that, from the first, the Bank was obnoxious to popular prejudice from two causes: one was, that it was deemed to be unconstitutional by that party which was, if not the greatest in weight and influence, the most numerous in the country: the other was, that, on account of its great wealth, it was naturally an object of envy and odium with the multitude.

With these inherent sources of jealousy and ill-will, it behoved that institution to exercise its powers and functions with great caution and forbearance. They should seem never to be used except in the service of the Government, or for the public benefit. It very soon experienced that it had rivals and enemies ready to profit by its mistakes, whether from fault or misfortune. On these occasions, however, it always found a majority in Congress ready to act a liberal part by it—to pardon its unintentional errors, and to punish those which were more serious only by its censure.

It was, perhaps, thus induced to overrate its strength. The first direct attempt to make it subservient to the political views of the Government was on the suggestion of a New Hampshire politician, Mr. Woodbury. This was repelled by Mr. Biddle, not merely in a spirit of independence, but in one of offensive defiance. The resentment of General Jackson was thus aroused; and here began a war which never ceased as long as the parties had the power of waging it.

The subsequent conduct of the Bank was any thing but conciliatory. Its course in preventing the purchase



of the three per cents., and in demanding damages for the protested bill, have been already censured. But it went much further. Its opponents maintained that, to make its efforts more efficient when exerted against the Government, the whole power of the Board of Directors was occasionally concentrated in the President, without the counsel, and sometimes without the knowledge of the Board: that it made liberal loans to editors, sometimes, it was said, on insufficient security: that it spent large sums in circulating pamphlets, to defend the Bank, and assail the Administration: that it expanded or contracted its loans, with a view to influence public opinion in elections: that it shut out the Government Directors from a share in the deliberations of the Bank, under the pretext that they were spies, and communicated to the President the proceedings of the Bank.

It is not meant to pass a sentence of condemnation on all these acts, and much less to say that they thereby forfeited their chartered rights. Far from it. Some of them were, perhaps, entirely defensible, in their self-vindication; but then they were all capable of being plausibly assailed, and so far they were impolitic and unwise. Without doubt, the Bank suffered from the bad arguments against it, as well as those which were sound.

By the materials which the Bank itself thus furnished to its enemies for assailing it, superadded to the previous popular jealousy against it, it gradually lost ground with the nation, and consequently in Congress, which is so likely to reflect the public sentiment; and thus the majorities in both Houses which supported the Bank, from 1829 to 1832, against the wishes and efforts of General Jackson, and which majorities were composed partly of his friends, were, in 1833, converted into a minority in

the House of Representatives. Whether it had been possible for the Bank to obtain a recharter, with the strong popular objections to it, and with the increasing numbers and influence of its rivals, the State banks, cannot now be certainly known; but it is sufficiently evident that, by its own incautious and impolitic course, it co-operated with its enemies to insure and to accelerate its overthrow.

But what have been the consequences of its abrogation? Here, too, there is room for speculative minds to infer very different results.

Should we concede, as many do, that the public made a bad exchange in taking the State banks and sub-treasury for its fiscal agents, instead of the National Bank; that the latter was a safer depository of the public money, furnished a better currency to the country, and performed the business of exchange with more economy; there is still room to question whether the nation is not, on political grounds, more than compensated for the loss of the above-mentioned benefits. The late struggle of the Bank for its existence has shown that its means are immense both for good and for evil.

The power of wealth in the hands of individuals is a very different thing from that of the same wealth when accumulated by a great corporation to the amount of many millions. The difference is that of a single shower of rain compared with the like showers so multiplied as to become a fertilizing stream or a destructive torrent: so a man armed with a loaded musket has potent means of attack or defence; but what is his power compared with that of one hundred thousand such men, who, directed by the genius of a Napoleon or Wellington, may emancipate a nation, or consign it to slavery?

A bank like that of the United States, with a capital

of thirty-five millions of dollars, possessing so much of what every one craves, may grant or deny benefits to thousands. In its ordinary business of making loans, by lending at less than the market rate of interest, as it always does, it can put money into any man's pocket. It is, however, by its influence on the community, rather than on individuals, that its power is best manifested. By expanding or contracting its circulation, it can augment or depress the value of all property at pleasure. It can, moreover, command the willing services of writers, public speakers, and the editors of the periodical press, whereby it can influence public opinion in elections, and on all political questions. As this power, from the close connection of the Bank with the Government, would, on the ordinary principles of human action, be almost as much under the control of the President as are the Treasury or Post-office Departments, it would make a fearful addition to the influence of the Federal Executive, and might seriously endanger that distribution of power which the Constitution meant to establish, and which was essential to its permanence and safety.

A number of memorials, approving of the removal of the deposits, were now presented ; but they were still exceeded by the number opposed to the removal.

On the eighteenth of April, a message was received by the Senate from the President, purporting to be a protest against the resolutions of the Senate touching the constitutionality and expediency of removing the deposits. He denies their authority to pass those resolutions. They amount to a matter of impeachment, which they cannot originate, but are the tribunal for trying. They prejudice a case which they may be called upon judicially to try. All these positions, with an exposition of his own powers, are maintained by a copious course of argument ; and he

concludes with a request that the protest may be entered at large on the journals of the Senate.<sup>1</sup>

The message was denounced in indignant terms by Mr. Poindexter, of Mississippi.

The next day, another message was received from the President, explanatory of some of the passages in that first sent.

Mr. Poindexter then offered the following resolutions:

That the President, in transmitting the paper on the seventeenth, to be entered on the journals of the Senate, as a protest against a resolution of the Senate, made a communication not authorised by the Constitution, nor warranted by that interchange of communications which is necessary and proper.

That, in that paper, the President assumes powers not authorised by the Constitution, and calculated to destroy the harmony which ought to exist between co-ordinate departments of the Government, to degrade the Senate, and destroy its independence.

That the communication of such a paper is a plain and open breach of the constitutional rights and privileges of the Senate, and cannot be received by them without a surrender of their just powers.

That, therefore, the paper be not received.

Mr. Clay proposed, at a subsequent day, a modification of these resolutions:—

That the protest of the President asserts powers inconsistent with the authority of the two Houses of Congress and the Constitution.

That while the Senate is ready to receive such messages as are authorised by the Constitution, it cannot recognize any right in him to protest against the votes and proceedings of the Senate, declaring such votes to

<sup>1</sup> Niles's Register, Vol. XLVI., page 138.

be unconstitutional, and requesting such protest to be entered on their journals.

That such protest is a breach of the privileges of the Senate, and that it be not entered on the journal.

Mr. Poindexter accepted the modification. After much debate on the subject, on several different days, they were finally adopted by the Senate, on the first of May, by twenty-seven votes to sixteen.

On the twentieth of April, the Committee of Ways and Means made a report in favor of employing the State banks as places of deposit for the public money; and they report a letter from the Secretary of the Treasury, setting forth the regulations he would recommend for the employment of the State banks.

The persons who had been nominated as Government Directors of the Bank having been rejected by the Senate last year, the same were renominated at this session, and were again rejected. This last nomination was accompanied with a long message to the Senate, stating his reasons for the renomination, and the fitness of these gentlemen for the appointment.

On the twenty-second of May, the Committee appointed to examine into the affairs of the Bank, made a report, in which they state the difficulties thrown by the Bank in the way of executing the duty assigned to them. They found the room in the Bank where the Committee assembled, pre-occupied by a committee of the Bank Directors, who insisted on being present at the investigations and examinations of the Committee of Congress. They also refused to comply with the resolution as to certain books and papers of the Bank. They offer these resolutions: —

First. That, by the charter of the Bank, the right was expressly reserved to either House of Congress, by the

appointment of a committee, to inspect the books, and examine into the proceedings of the Bank, to ascertain whether it had violated its charter.

Second. That the resolution of the House of the fourth of April, for the appointment of a committee, was in accordance with the charter.

Third. That the President and Directors, by refusing to submit for inspection the books and papers of the Bank, have contemned the legislative authority, asserting for themselves powers and privileges to which they have no just claim.

Fourth. That either House of Congress has the right to compel the production of such books and papers as have been called for, and to compel the President and Directors to testify to such interrogatories as were necessary to a full and perfect understanding of their proceedings.

Fifth. That the Speaker issue his warrant to the Sergeant-at-arms, to arrest Nicholas Biddle, Manuel Eyre, and others, Directors, and bring them to the bar of this House, to answer for their contempt.

The minority of the Committee, consisting only of two members — Mr. Everett of Massachusetts, and Mr. Ellsworth of Connecticut — made a counter-report, in which they justified the course taken by the Bank Directors, and maintained that they had been guilty of no contempt to the authority of the House.

On the second of May, Mr. Clay, on behalf of the Committee of Public Lands, to whom the President's message concerning them had been referred, made a report.

They express their regret that the bill passed by both Houses at the last session should have been retained by the President until the present session, by which the qualified veto was converted into an absolute veto.

They argue that the termination of the session being fixed by the Constitution, it was not that adjournment which the Constitution speaks of to prevent a bill becoming a law when it is not returned within ten days; and they say, moreover, that he must have been familiar with the provisions of the bill, it having been before Congress at the previous session. They then answer the President's objections; and they conclude with reporting the bill, which distributes the proceeds of the public lands among the States after certain specific deductions for the States in which the lands lie are first made.

On the sixth of June, a report was made by the Post-office Committee in the Senate, showing the bad management of that Department, and concluding with several resolutions:—

That large sums of money have been borrowed from different banks by the Postmaster-general — Mr. Barry, of Kentucky—to make up deficiencies in the means of the offices, without authority from Congress.

That several of his statements are admitted by him to be erroneous, and that reliance cannot be placed on the communications made by the Department.

That a practice prevails, of granting contracts on terms different from those advertised, and of changing them after they are made, which tends to prevent competition, and to give advantage to favorites.

That a contract was required to be given up, that it might be given to another.

That a contract was not advertised, as the law requires, and was given to one of the clerks in the Department.

That extra allowances have been made to contractors without increase of duty, and others which are extravagant.

That he has established steamboat lines without authority of law.

That the public credit has been pledged for the benefit of contractors, and that contractors have been solicited to aid the Department with their personal credit.

That the number of mails have been increased, when no public object required it.

That the Post-office Department is deeply in debt, its affairs in disorder, and demands a radical reform.

That the incidental expenses and secret service-money are increasing.

That an agreement was entered into between two companies of mail contractors to put down competition, which was sanctioned by the Postmaster-general.

That contractors who have received large extra allowances have become the proprietors or contractors of newspaper presses of a partisan character, of which an instance is given.

A counter-report was made by Messrs. Grundy of Tennessee, and Robinson of Illinois, justifying or excusing the Postmaster-general, and suggesting some alterations in the laws relative to the Post-office Department, which seemed to admit that it required reform. They were :

That the Department be so reorganized as to secure a proper responsibility not only in the head, but the subordinate branches of the Department ; and that, for such purpose, the auditing of its accounts and disbursement of its moneys should be confided to officers appointed by the President and Senate.

That annual reports be made to Congress of the expenditures of the Department, stated in detail, and of all new contracts, and their prices, and of the amount paid for transportation on each mail route.

That any person employed in the general post-office



shall be prohibited from being a mail contractor, or an agent for a mail contractor.

That advertisements for proposals for carrying the mail be made, as near as may be, according to the manner in which the mail should be transported.

That sealed proposals from bidders should not be opened until after the time for receiving bids.

That reports be made to Congress of all failures by contractors to deliver mails, and the action of the Postmaster-general in such cases.

The vote in the Senate reproving the borrowing of money by the Postmaster-general, was unanimous—forty-one members being present.

In the Senate, on the twenty-fourth of June, the nomination of Roger B. Taney as Secretary of the Treasury, and Andrew Stevenson as Minister to Great Britain, were rejected—the first on account of his unwarranted removal of the deposits; and the second, because he had received the promise of the appointment from the President as long back as the fifteenth of March, 1833, and he had acted as Speaker, at the subsequent session, with this promise of the President in his possession.

On Mr. Taney's nomination, the votes in favor of it were eighteen; against it, twenty-eight.

Mr. Stevenson's nomination was made on the twentieth of May, 1834. A resolution was then adopted, on the motion of Mr. Clay, that the President be requested to communicate a copy of the first official communication to Mr. Stevenson that the President meant to nominate him as Minister to Great Britain, and his answer.

The President replied, that as a compliance with the Senate's resolution might be deemed an admission of their right to call "for confidential correspondence of

this description," he does not acknowledge the right. But to avoid misrepresentation, he transmits a copy of the only communication made to Mr. Stevenson on the subject. It merely intimated the intention of the President, "in a particular contingency," to offer Mr. Stevenson the place. He has no knowledge that any answer was received from Mr. Stevenson. None is found in the Department, and none has been received by the President.

In favor of the nomination, there were twenty-two votes; against it, twenty-three.

Mr. M'Lane resigned the office of Secretary of State, and Mr. Forsyth was put in his place. Mr. Taney resigned the place of Secretary of the Treasury, and Mr. Woodbury was put in his place. Mr. Dickerson, of New Jersey, was appointed Secretary of the Navy, in the place of Mr. Woodbury.

The day before the session ended, Mr. Benton offered a resolution (to be acted on at the next session), that the resolution of the Senate of the twenty-eighth of March, declaring that the President had assumed upon himself a power not conferred by the Constitution, "is a resolution imputing impeachable matter to the President, and ought not to have been passed upon by the Senate, except in the regular forms of a constitutional impeachment; and that it ought to be *expunged* from the journal of the Senate, and is hereby directed to be expunged.

On the twenty-seventh of June, Mr. Webster, from the Committee on Finance, made a report on the bill from the House regulating the deposit of the public money in local banks. The Committee are opposed to the change, and they think —

First. That the public money ought not to be kept in

any bank which is not always open to the examination of a committee of either House of Congress.

Second. That the deposit banks should pay an annual interest for the use of the deposits, since they pay no bonus.

Third. That provisions are necessary for regulating the distribution of the deposits, and limiting the use of transfer checks, for the sake of equality among the different parts of the country.

Fourth. That express enactment should be inserted against paying, by the deposit banks, persons employed to examine their condition, and superintend their proceedings.

Fifth. That the security for the safe keeping of the money should be carefully provided for, since any one of them may have money in its custody three times as large as its whole capital.

The Committee recommend that the bill be amended by striking out the enacting clause, and inserting "that all deposits of money of the United States after the first of August, 1834, shall be made in the Bank of the United States and its branches, according to the act of April, 1816.

Congress adjourned on the twentieth of June.

The distress complained of in all the commercial towns from the scarcity of money, in consequence of the removal of the deposits, continued after the rising of Congress and throughout the summer.

On the first of December Congress assembled, and on the next day the President sent his annual message to both Houses.

After congratulations on the continued prosperity of the country, he gives the state of the foreign relations of the United States.

The north-eastern boundary question still remains unsettled ; and the proposition to establish a line according to the treaty of 1783 has not been accepted by the British Government.

With Austria, Russia, Prussia, Holland, Sweden, and Denmark, "the best understanding exists." The Queen of Spain has ratified the convention for the payment of the claims of our citizens. She has at length consented to the restoration of peace with her former colonies on this continent ; in which result the United States have been instrumental.

Internal tranquillity having been restored to Portugal, our diplomatic relations with her will soon be resumed, and the negotiations for the claims of our citizens will be renewed.

The treaty of commerce with Belgium, already brought to the notice of Congress, has been disavowed by that Government, as exceeding the instructions of the Minister who negotiated it. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions.

Our relations with the Sublime Porte promise to be useful to our commerce, and in every way satisfactory.

The first instalment of the indemnity from the King of the two Sicilies has been received, and the offer has been made to extinguish the whole by a prompt payment. The ready adjustment of claims originating in the injustice of a foreign intrusive Power, dominant for the time in that territory, is highly honorable to the Government of the Two Sicilies.

The intestine dissensions of the new governments of this continent still continue. But more favorable hopes are entertained that they will cease when their independence shall be acknowledged by Spain. He depre-

cates the apprehension that some of them will fall into the common error of bestowing on some favorite leader the fatal gift of irresponsible power.

The reunion of the three Governments of New Grenada, Venezuela, and Ecuador, forming the Republic of Columbia, seems daily to become more impossible.

Our representatives to Central America, Peru, and Brazil, are either at, or on their way to their respective posts.

From the Argentine Republic, nothing further has been heard.

To the pacific and highly gratifying picture of our foreign relations, France now furnishes an exception. After a review of our claims to indemnity, the treaty made to meet them, and the pledges of the French Government, he complains of its failure to redeem those pledges, by applying to the Chambers to provide the money. He adds, that an acquiescence in the refusal to execute the treaty will not, he is confident, be entertained by any branch of this Government, and that further negotiation was out of the question.

If Congress choose to await the further action of the French Government, nothing more need now be done; but if they should feel doubts about its intention to carry the treaty into effect, and think that measures suited to the occasion should now be adopted, the question arises what those measures should be. Though peace is our policy and interest, it is not to be secured by a surrender of our rights.

The United States, he says, may, by legislation, seriously affect the agricultural and manufacturing interests of France. But to this course there are strong objections. The question of right, which is clearly with us, should not be thus put out of view. The question should be

so left, that when France fulfils her treaty stipulations, all controversy will be at an end.

He says that if a prompt execution of the treaty is refused, the United States should take redress into their own hands. By the law of nations, when the payment of a debt is refused, the aggrieved party may seize on the property of the other, without giving just cause of war. Prompt measures are recommended, if an appropriation is not made at the next session of the Chambers; and he recommends that a law be passed to that effect.

The revenue of this year will amount to above twenty and a half millions of dollars, which, with the balance in the treasury, will make an aggregate of above thirty-three millions. The total expenditure, including the payment on account of the debt, is estimated at about twenty-five and a half millions. The balance in the treasury will be more than sufficient to pay off the residue of the debt, as well as the previous appropriations.

He regards the present moment, when we are free from debt, at peace with all nations, and have no complicated interests with any, as the epoch most favorable to the settlement of those principles best calculated to give stability to our institutions, and to secure the blessings of freedom to our citizens; among which, simplicity in the character of the Federal Government, and a rigid economy, should be regarded as fundamental. The policy of adapting revenue to the expenditure, and of forbearing to exercise any power not clearly constitutional, are strongly urged.

The Bank of the United States is then the subject of a copious notice, in which all its sins of omission and commission are mentioned.

The regulation of the public deposits in the State banks is earnestly recommended. On this subject, it is

desirable that as little power as possible should be left in the President, or the Secretary of the Treasury, over these institutions, which would thus have neither the inclination nor ability to interfere in the elections. These banks have shown themselves able to purchase and furnish domestic exchanges at reasonable rates. If the States shall reform their banking systems, and prohibit the issue of small notes, we shall soon have as sound and steady a currency as any other commercial country.

Reference is then made to the reports from the several Departments. The army is in a high state of discipline. A separate organization is recommended for the engineers, military and topographical.

No change in the condition of the Indians has taken place. The Cherokees east of the Mississippi have not yet determined to migrate. Arrangements are making for the removal of the Creeks, and will soon be for that of the Seminoles. Emigration, and that alone, can preserve the aborigines from destruction.

He adverts to frequent cases of fraud under the laws granting pensions for revolutionary services. Some of them cannot be guarded against without an actual inspection of the applicant, and by inquiries in the vicinity of their residence.

On the subject of the navy, he remarks that it must be apparent, in the event of our conflicts with other nations, we must look chiefly to this species of force for the protection of our rights.

In his notice of the Post-office Department, he says nothing of its mismanagement, merely mentioning a deficit of from two hundred thousand to three hundred thousand dollars; but adds, that the revenues of the coming year will exceed the expenditures about two hundred and seventy thousand dollars. The decrease

of revenue is attributed, in part, to the extension and abuse of the franking privilege. A revision of this subject is therefore recommended. He also recommends that as little discretion as is practicable should be left to the executive officer who controls it, and that it have an auditor and treasurer of its own, appointed by the President and Senate.

An extension of the judicial system to the new States is again urged, as are also the mode of electing the President and Vice-President.

Having returned to the Senate the bill for the improvement of the Wabash River, he discusses the right of Congress to make internal improvements. We are in no danger, he remarks, from violations of the Constitution by encroachments on the personal rights of the citizens. The sentence of condemnation pronounced by the people on acts of that character are likely to be lasting. But against the danger of unconstitutional acts which proffer local advantages, we are not so safe. To suppose that our Government has the power to do whatever may conduce to the public good is an error into which honest minds are apt to fall. But such is not the Constitution of the United States. This subject has afforded materials for "sinister appeals to selfish feelings," and has a supposed "adaptation to the purposes of personal ambition." The questions which have arisen on this subject relate —

First. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient for their preservation and use.

Second. To the right of appropriating money for such works when carried on by State authority.

Third. To the appropriation of money for improvements of a particular class, viz., for light-houses, bea-



cons, piers, and removing impediments in our navigable rivers.

The first of these is of the greatest importance, as, besides the danger of improvident expenditure, there is the conflicting jurisdictions of the respective Governments. That injurious conflicts would arise cannot be doubted. He dilates on the mischiefs of this clashing of jurisdictions.

Yet this dangerous doctrine was once nearly established. It was strongly supported when he felt it his duty to withhold from the subscription to the Maysville Road the Executive sanction to go further, to apprise Congress of his constitutional views upon the subject, in the expectation that, in the disagreement between the two Houses and himself, the question would be settled, and the harmonious action of the several Departments of the Federal Government be effectually secured.

These hopes have been realized. In the four years succeeding, no attempt has been made to exercise this power; and on this subject he thinks we have nothing further to apprehend. He could give his sanction to no appropriations of a local character. If the people desire it, they will concur in an amendment to the Constitution respecting it. By prescribing a rule for such improvements, unprofitable and unequal expenditures would be prevented.

Appropriations for the improvement of our harbors, and the removal of obstructions in our navigable rivers, have been made from the beginning of the Government without interruption or dispute. Though he has thought these expenditures were sometimes extravagant, he has not felt himself warranted in refusing his assent to them. He has, however, prescribed a limitation for his own conduct, that such expenditures

should be confined to places below the ports of entry. He regretted that, under this rule, he could not give his assent to the bill for the improvement of the Wabash River.

He relies on the candor and intelligence of his fellow-citizens for a correct appreciation of his motives in thus checking a course of legislation that he deems unconstitutional. He believes that if these improvements "are not commenced in a proper manner, confined to proper objects, and conducted under an authority admitted to be rightful," they will meet with resistance where they would otherwise receive support; and instead of strengthening the bands of our Confederacy, they will multiply the motives to disunion.

On the twenty-fourth of December, a resolution was offered by Mr. Lincoln, of Massachusetts, calling upon the President to communicate, if not improper, any correspondence between the United States and Great Britain relative to the north-east boundary, since the rejection by the United States of the settlement of that boundary made by the King of the Netherlands; and that he communicate any information he may possess of the exercise of jurisdiction by the authorities of the Province of New Brunswick over the disputed territory, within the limits claimed by the State of Maine: together with the correspondence between the Executive of that Province and the Government of the United States.

This motion gave rise to some altercation between the mover and Mr. Parks, of Maine, as to the interest which Maine had in this question—part of the public lands in Maine having, when she separated from Massachusetts, been reserved to the latter State.

The resolution was regarded as an improper interference, on the part of a member from another State, in

the affairs of Maine. In the debate which ensued, in which several members took part, there seemed to be a mixture of party with local feelings — the resolution of Mr. Lincoln being supported by another member from Maine, Mr. Evans, who was of the same party, and was opposed by those who differed from him and supported the Administration.

In a correspondence between Mr. Butler and Mr. Taney, on the subject of the damages claimed by the Bank on the French protested bill, Mr. Taney states his reasons for disputing the Bank's right to the damages claimed, under the circumstances; and says that while the Government might compensate any real loss sustained by the Bank, he thinks it has no claim, either in justice or law, to the damages of fifteen per cent.

There were now manifest symptoms that, in the contest between the Administration and the Bank of the United States, the former was gaining ground in the popular sentiment. The Legislature of Georgia passed resolutions, by fifty-four votes to thirty-one, against the recharter of that institution. The State of Alabama passed, by fifty-seven votes to twenty-six, a resolution of censure on its Senator, Gabriel Moore, for allying himself with those who had united "to oppose and embarrass the present Administration," and requested him to resign. The Legislature of North Carolina, by resolution, instructed their Senator, Mr. Mangum, to change his course in the Senate.

On the fifth of January, the President sent a message to the House of Representatives, giving, in a report from Mr. Forsyth, Secretary of State, the information called for, respecting the north-eastern boundary. He says that the Department of State have no new information of the exercise of practical jurisdiction by the authorities.

of New Brunswick over the disputed territory. Representations were made to this Department, in 1833, through the British Minister at Washington, of infractions of what was understood to have been agreed between the two Governments. These complaints were believed, on inquiry, to have no just grounds. There was no complaint on the part of Maine. As the negotiation on this subject is now in progress, it is submitted whether it would be proper to say more. The President decided it would not be proper.

On the sixth of January, 1835, Mr. Clay, as Chairman of the Committee of Foreign Relations, read a voluminous report on the subject of those of the United States with France, which concluded with a resolution :

“That it is inexpedient, at this time, to pass any law vesting in the President authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French Chambers.”

Mr. Clay proposed that the report and resolution be made the order of the day on the thirteenth; and he thought the sooner the question was disposed of, the better.

Mr. Clay's report on the President's message relative to our affairs with France, begins with expressing the concurrence of the Committee with the President as to the justice of the claims against France, of which this Committee give a brief history, and of the reasons for making war against England instead of France. The United States, however, determined never to acquiesce in the injustice of the latter. The treaty of indemnity was cordially received, although it was known that it fell far short of full indemnity; but no one supposed it

would not be faithfully executed. Near two years have now elapsed since the first instalment was to have been paid, and no one supposes that the United States will acquiesce in this refusal; and, should France persist in refusing, it will then become the United States to decide on the course their honor and interests require.

The Committee then examine the justness of the President's view, that the time has already arrived for action. They bestow an attentive consideration on the correspondence between the two Governments, of which they give the substance. By this it appears that the French Government, both before the treaty and subsequent to it, manifested a readiness to admit these claims, and then an anxious desire to carry the treaty into execution.

The causes of the failure, on the part of the Chambers to make the requisite appropriations are next considered by the Committee. They say that the principle of indemnity seems to have been generally admitted, but the diversity was chiefly as to the amount. There were also some deep-rooted prejudices in the Chambers. Some thought that France was a prey to the rapacity of foreign Powers: that gratitude on the part of the United States ought to have restrained, or at least have moderated their demands: that the decrees of France, out of which most of the claims sprung, were justified by the edicts of Great Britain: that the claims were in the hands of a few speculators: and that, as to eight of the twenty-five millions, the United States were seeking a double satisfaction from Spain in the Florida treaty, and from France in the treaty of 1831. The controlling motive, the Committee think, was, that the treaty stipulates for a greater sum than was justly due.

They suggest that we are partly to blame for this im-

pression; and they quote a passage from Mr. Rives's despatch, which says the sum "will be amply sufficient to satisfy all the just claims of our citizens, *of every description*, comprehended in the scope of the investigation:" and another passage, to the same effect, with the addition that we had also extinguished the claims of French subjects against the United States, of near five millions of francs, by a stipulation to pay a million and a half.

It was quite natural, they say, that the American negotiator should have commended the work of his own hands, but equally natural for the other party not to be pleased with this result. It was forgotten that the pretension of superior sagacity on our side was not likely to be soothing to the pride of the French nation.

The Committee examine into the President's charge that the pledge given by the French Government as to its efforts with the Chambers at their succeeding session, had not been redeemed. On a review of the correspondence of the French Minister at Washington — M. Serrurier — with the Government of the United States, the Committee do not find those pledges or assurances given, as the President understands them, and from which he infers a want of good faith; and as the French Government have assigned reasons, at least plausible, for not pressing the appropriation at that short session, and the Chambers actually met afterwards, on the first of December (as early as the President had expected), when the head of the French Government avows, and has uniformly shown his desire to fulfil the treaty, and when its fulfilment has been but once refused by a majority of eight voices in an assembly of three hundred and forty-four members present — the Committee think that the

time has not yet arrived for considering the serious question of self-redress.

The Committee agree with the President, that the discussion of the terms of the treaty is finally closed. But for all other purposes negotiations may be yet open. The French Government have made inquiry as to the proceedings of the Commissioners under the Florida treaty, with a view, no doubt, of removing misconception in the French Chambers. This information we should not refuse. This course of further negotiation is recommended by our experience, as war with almost every Power of Europe has been thereby averted.

The character of reprisals is next considered by the Committee; besides the practical difficulty, as only two instalments are yet due, reprisals would lead to retaliation, and that would inevitably terminate in war.

Two other objections are urged. The first, that the right to grant letters-of-marque and reprisal being vested in Congress by the Constitution, the Committee are not satisfied that it can be delegated to the President; and though it could, whether Congress should not reserve to itself the right of judging of the reasons to be urged by France before it resorted to this decisive measure: and,

Secondly. The President, confiding in the assurances given by the French Government, signified to that Government its willingness to await the issue of the second application to the Chambers. Until this is made, nothing should be done on our part, especially as the French Government requests us to avoid all that might become a cause of fresh irritation." The President disclaims his recommendation being regarded as a "*menace*;" but France will, if we pass the law of reprisals, look to our acts, not our protestations.

The Committee say that they will not anticipate the

failure to execute the treaty. They will not look further than the existing state of things; but say that the United States are able to sustain themselves in any vicissitude to which they may be exposed. They conclude with recommending the resolution, which refuses to give to the President authority to make reprisals.

After a short discussion, the resolution was unanimously adopted by the forty-five members of the Senate then present.

A report was made by a Committee of the Senate on the subject of the Bank of the United States. They inquire —

First. *Whether the Bank has violated its charter?* — It is charged with doing so in three ways: —

1. By having a committee of exchange.
2. By issuing branch drafts.
3. By its contract with the Barings about postponing the three per cents.

The first is considered a useful course of proceeding, and no violation of the charter, as its proceedings are submitted to the Board. It is similar to the acts of committees of the House.

On the subject of the branch drafts, the Committee are divided. They have occasioned no loss to the Bank. They are taken by the Government, as well as by the public, they are redeemed by the Bank with promptitude, and they answer all the purposes of currency.

The contract with the Barings is shown to be no violation of the charter, and the Government was benefited rather than injured by the operation.

Second. *The safety of the Government deposits in the Bank.* — They show the condition of the Bank to be strong and prosperous. The Committee speak of the efforts continually made to excite doubts and suspicions



as to the solvency of the Bank; the withdrawal of the deposits; the declaration of Mr. Duane, that the Administrative Department was actuated, in all its measures towards it, by a spirit of "vindictiveness." They add: "*Whether any moneyed corporation in the world could have stood up against trials so severe, is in the highest degree questionable.*" The conclusion, they say, is irresistible, that the public deposits in the Bank are abundantly safe.

Third. *The extension and curtailment of its loans.*—The Committee say they "are left in astonishment how the Bank was able, with so little curtailment, to resist so great a pressure upon it."

The report defends the Bank from the charge of curtailing to excite a panic, by showing that the curtailment did not equal the amount of deposits actually withdrawn; but it is silent on the charge of an undue extension of its loans.

Fourth. *The general management of the Bank.*—The Committee state that, in 1822, the hopes of rendering the Bank useful were nearly abandoned; but a change for the better took place in 1823, and the general results were very extraordinary and creditable. It has since overcome all difficulties in its way; and purifying the currency, it has doubled the profits of the Bank.

Fifth. *The establishment of branches.*—Most of these have been established either at the instance of State Legislatures, or the Treasury Department. They had rejected sixty-three applicants for branches.

Sixth. *The damages on the French bill of exchange.*—The right of the stockholders to their damages is founded in strict law, and had the Directors waived it, they would have exerted an unwarranted authority. The retention of the dividend is justified on the like ground,

the avowed object being to procure a submission of the question to the courts.

Seventh. *Mr. Ellmaker's case.*—He was one of the Government Directors; but not being a stockholder, as the charter requires, he was not allowed to take his seat.

Eighth. *Intermeddling with politics.*—1. In the appointment of Directors. The Committee say the object seems to have been to place at the Board men of character and standing, and of business habits.

2. A discrimination among applicants on account of political differences. On examining the discount books, the Committee find nothing to warrant this charge. Some of its most uncompromising opponents have received accommodations.

3. Unusual loans, or on insufficient security, to persons having political influence. The Committee find nothing to justify this charge.

4. Efforts of direct bribery, by donations of money. No case of this sort is known to the Committee. They have also made inquiries of the President and Cashier, by which it appears that every dollar drawn from the Bank is entered on the books; and these show no such case.

5. In rendering the press its stipendiary, by donations or extravagant loans. Loans to editors have always existed, and must be placed on the footing of other loans, and must be tried by the same tests. The Senate will pass its own judgment on those here detailed from an inspection of the books, upon a review of all the facts.

6. The same remark applies to members of Congress, and other public functionaries. The Committee have compared the number of these cases in 1826, when the

Bank had no anticipation of its present difficulties, with the present time, when the amount for the number of banks is less than it was, and is much less in 1824 than it was in 1833. Accommodations, moreover, have not been confined to this or that party. The Committee see no evidence that loans to members of Congress exceed the amount to other persons of equal numbers and the same degree of connection with business. Nor have they the slightest evidence that members of Congress have sought favors of the Bank on account of their public character.

7. In paying for publications not necessary, to show its condition or to defend itself against unjust accusations. The Committee justify the Bank for disseminating publications within the limitations mentioned; but they admit that it would have been more judicious and wise to have left these publications to reach the country through the ordinary channels. On finding that some of the expenses wanted detailed specifications, the Committee, on inquiry, were assured by the President that no money had been used to subsidise any portion of the public press, or to tamper with, or affect the purity of any public functionary. The detection of counterfeiters, and the refutation of calumnies, were adverted to as often required by the interests of the Bank, and some of them requiring the greatest secrecy. The Committee, not impugning the statement of one, whose veracity was above suspicion, remark that there should be no reserve or mystery in the accounts of the Bank.

The Committee examined the account of expenditures for professional services, and found nothing to call for remark. On the demand of the President of the United States for the books and papers of the Bank, the Com-

mittee submit to the Senate whether he is authorised by the charter to make such demand.

This report<sup>1</sup> was drawn up by Mr. Tyler, of the Committee of Finance. They were instructed to sit during the recess of Congress.

On the seventeenth of December, the Senate proceeded to consider the bill introduced by Mr. Webster to provide for satisfying the claims growing out of French spoiliations before 1800, to an amount not exceeding five millions. The bill provides for the appointment of Commissioners, and prescribes their duties.

Mr. Ewing, in behalf of the Post-office Committee in the Senate, made a report on the condition of the post-office, especially as to its finances. They state that the books are in such a state of confusion, that it is impossible to make an accurate statement either of the finances of the Department, or of the accounts of individuals. They particularize, however, many illegal practices of the Department in making contracts, removal of post-masters without good cause, its extra allowances to favored contractors, its erroneous statements meant to bear upon the elections, and various other abuses.

There was a counter-report by the minority of the Committee, contesting some of the facts stated by the majority, and defending the officers of the Department in others; but recommending some further legislative provisions for the better regulation of the Department.

No little sensation was produced in Washington by a personal attack on the President on his leaving the capital, where he had been to attend the funeral of Warren R. Davis, a member from South Carolina. As he entered the portico, a person snapped a pistol at him, but the percussion cap exploded without igniting the charge.

<sup>1</sup> It was presented on the 18th of December, 1834.

He then snapped a second pistol, which harmlessly exploded in like manner. The man, who was struck down by an officer of the navy, was immediately taken into custody, and was found to be a painter by the name of Lawrence, and a resident of Washington. On examination he refused to make any explanation. He was an Englishman by birth; and it turned out that he had, long before, exhibited signs of insanity. He said General Jackson had killed his father; and he himself had formerly attempted to kill his own sister, in consequence of which he was some time confined in jail. The grand jury refused to file a bill against him, because of his insanity.

The President having sent a message communicating despatches from Mr. Livingston, relative to our affairs with France, pursuant to a previous resolution offered by Mr. Adams on the thirty-first of January, Mr. Adams moved that the message, and the extracts from the documents accompanying it, be referred to the Committee on Foreign Relations, with instructions to report *forthwith*. On Mr. Cambreling, the Chairman of that Committee, requesting Mr. Adams to withdraw that part of the resolution which required a report *forthwith*, Mr. Adams stated, in reply, that he was persuaded that it was inconsistent with the interest and honor of the nation to leave the subject longer unacted on; and from Mr. Livingston's despatches, and his doubts of success, he thought it time for the House to take up the subject. It was incumbent on them to show to the nation and the world, that they, too, were not insensible to the interest, the rights, and honor of the nation. Of the particular measure proposed by the President, those who censured it as imprudent must applaud its spirit.

These remarks called forth a lively debate for and

against his views; and an amendment to leave out the instructions to the Committee having prevailed, the reference was agreed to.

On the same day, Mr. Clay presented to the Senate resolutions and a memorial from a portion of the Cherokee Indians of Georgia, Alabama, Tennessee, and North Carolina. These Indians were desirous of remaining on their lands in the State of Georgia, and they amount to between nine and ten thousand; but finding it impossible to live under laws they do not understand, they implore the aid of the General Government in their removal to the west of the Mississippi.

Mr. Clay first examined into the rights of the Indians as secured by treaty, and showed that they shall live upon their own lands, and under their own customs and laws, under the protection of the United States. He then adverted to the laws of Georgia respecting these people, by which every Indian right has been annihilated; disclaiming, however, all intention or wish to say any thing that would produce irritation; but he shows that the Indian, and all he possesses, lies at the mercy of the State of Georgia, in whose laws and government he has no voice. He concluded his pathetic appeal in the behalf of these people by offering the following resolutions:—

That the Committee on the Judiciary be directed to inquire into the expediency of making further provision, by law, to enable Indian nations or tribes, to whose use and occupancy lands are secured by treaties concluded between them and the United States, to defend and maintain their rights to such lands in the courts of the United States, in conformity with the Constitution of the United States.

That the Committee on Indian Affairs be directed to

inquire into the expediency of making further provision, by law, for setting apart a district and county west of the Mississippi River for such of the Cherokee nation as may be disposed to emigrate, and to occupy the same, and for securing in perpetuity the peaceful and undisturbed enjoyment thereof to the emigrants and their descendants.

A discussion then ensued, in which Mr. Cuthbert, of Georgia, and Mr. White, of Tennessee, repelled the charges brought against the course of Georgia, and the other neighboring States, towards the Indians.

Mr. Benton, who also took part in the debate, drew a distinction, on the authority of Mr. Jefferson, between the treaties made with Indian tribes and with sovereign nations; to all which Mr. Clay replied, and his motion of reference was adopted.

On the ninth of February, Mr. Calhoun, from a select Committee, made a report upon the extent and constantly increasing patronage of the Executive of the United States.

In ascertaining the extent of the Executive patronage, the Committee look to the year 1833 for their data—the returns for 1834 not being complete. The revenue for that year was over thirty-five millions of dollars; and the expenditures, exclusive of the public debt, nearly twenty-three millions; and the number of persons who are recipients of the public money were more than sixty thousand two hundred; of whom twelve thousand one hundred and forty-four belong to the civil list, nine thousand six hundred and forty-three to the military and Indian Departments, six thousand four hundred and ninety-nine to the navy, and thirty-one thousand nine hundred and seventeen to the post-office — all of whom are subject to removal at the pleasure of the President.

If to these be added thirty-nine thousand five hundred and forty-nine pensioners, an aggregate appears of one hundred thousand and seventy-nine persons in the receipt of money from the public treasury.

The report then shows the *increase* of the public expenditure from 1825 to 1833. It adverts to the increase of *reservations* of lands to Indians, to be disposed of only with the consent of the Executive. The practice of removing persons from office who have well performed their duties, only to make room for others, is then made the subject of censure. Formerly, the patronage of the Executive was confined, in practice, to the power of nominating persons to fill vacancies. Under the present practice, the officers of the Government, instead of public trusts whose faithful execution is to be held in view, are considered as the spoils of victory after a political contest, the rewards of party service, the recipients of which become the corrupt and supple instruments of power. The practice thus encourages vice, and discourages virtue. The public officers, feeling their dependence on the Executive, resort to all those acts of compliance which recommend them to Executive favor.

The removal of the deposits has increased the power of the Executive, by placing the public funds under his unlimited control.

The report urges that patronage is at best a necessary evil, and in all well-regulated governments no more of it will be retained than is necessary. It shows that a large patronage is not necessary, by adverting to the very inferior amount of it in 1825, to what it was in 1833, the increase being in that time thirty-six per cent.; and though there is no good reason why the patronage should increase in proportion to the population, the patronage has more than doubled in the time in which the popula-



tion has not increased more than twenty-four per cent. From the growing danger of this continual increase of patronage, the action of the Government must be moderated. On this principle our political existence depends.

The *effect* of this enormous patronage is then examined. It has tended to sap the foundations of the Constitution, and to substitute a degrading subserviency to power for the attachment to liberty. Nor could the aid of the States be successfully invoked to resist the approaches of despotic power.

For these evils there is but one remedy, a prompt and great reduction of Executive patronage. They inquire the best modes of effecting this, and say that it is the duty of the Government to leave the money, as far as practicable, in the pockets of the people.

The report then shows how the revenue may exceed the amount required. Under the compromise law, after all the reductions of the duties on articles not interfering with protection, there will be an annual surplus of nine millions of dollars. They protest against this sum accumulating in the banks; and they do not recommend its application to internal improvement, the difficulties of which have been increased by Executive vetoes.

The Committee therefore conclude that the least objectionable mode of disposing of the surplus revenue is to make an annual distribution thereof among the several States and Territories, to continue until the year 1842, when the present compromise will terminate, and leave Congress at liberty to reduce the income of the Government to its wants. The Committee propose to effect this distribution by an amendment to the Constitution, since a majority of them think that Congress does not possess the requisite power: and they report a bill to regulate

the deposits of the public money. Ten thousand copies of the report were printed.

On the twentieth of February, Mr. Cambreling, from the Committee of Foreign Relations, presented the following resolutions:—

That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into with France on the fourth of July, 1831, and that this House will insist upon its ratification.

That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to reprisals on the commerce of France.

That preparations ought to be made to meet any emergency growing out of our relations with France.

Some further resolutions were offered by Mr. Adams, professing to be pacific, but sustaining the ground taken by the President. Mr. Cambreling offered a substitute for one of them:—

That the treaty of July, 1831, should be maintained, and its execution insisted on at all hazards: which Mr. Adams accepted.

After some desultory debate, the following resolution passed unanimously:—

That, in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations of the treaty of indemnity with that Government, this House will forbear, at present, to adopt any measure in relation to that subject.

The receipt of the President's message caused, as was to have been expected, much sensation in France. From the style of complaint and reproach of that paper, the

general sentiment in Paris was, that they were the injured party; and the prospect of obtaining the stipulated indemnity appeared to be more improbable than before. The French Minister of Foreign Affairs — the Count de Rigny — after earnestly remonstrating against President Jackson's unjust reproaches, which he insists were altogether unmerited, remarks : —

“How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions, in order to meet the engagements of the fourth of July. But, at the same time, His Majesty has considered it due to his own dignity no longer to leave his Minister exposed to bear language so offensive to France. M. Surrerier will receive orders to return to France.”

He then adds, in conclusion, that Mr. Livingston may communicate this determination to his own Government, and may “take those measures that seem to him the consequences of this communication.” His passports are therefore at his disposition.

To this letter of the French Minister, Mr. Livingston addressed a long reply, in which he justified the course of the President throughout, but in language decorous and respectful.

On the second of March, a letter was received from William T. Barry, the Postmaster-general, to the House of Representatives, in reply to the report made by a Committee of the House on the Post-office Department. His purpose was to vindicate himself from the charges of the Committee, of whose injustice he emphatically complains. To this appeal, Mr. Whittlesey, of Ohio, who was one of the Committee, made a full reply in a Wash-

ington newspaper, soon after the close of the session. Mr. Barry was then appointed Minister to Spain, and Amos Kendall was made Postmaster-general.

On the last day of the session — the third of March, 1835 — Mr. Clay, from the Committee of Foreign Relations in the Senate, made a second report on the interesting subject of French affairs.

The Committee say that, having considered the message of the President of the twenty-fifth of February, with the correspondence accompanying it, they submit the result of their deliberations.

They refer to their report of the fifth of January, and say that they find themselves fortified in their former conclusion by the official and uncontradicted statement of the French Minister, de Rigny, when he reminds Mr. Livingston that he *requested* them not to endanger the success of the application to the Chambers; and that, by this *request*, he showed that he had correctly appreciated the state of things. They say they are further fortified by the following opinion of Mr. Livingston: — “Should Congress propose commercial restrictions, or determine to wait to the end of the session before they act, this will be considered as a vote *against* reprisals, and then the law will be proposed, and I think *carried*”

The Senate having taken the ground of forbearance to adopt any legislative measures until the result of the second appeal to the French Chambers should be known, the Senate have attentively examined the President's message, and the correspondence, to see if they furnished any motives to change that ground.

The Committee have perused part of that correspondence with regret. The King of France, taking offence at the recommendation of reprisals, and the imputation of bad faith, has recalled his Minister, and has caused

passports to be tendered to Mr. Livingston, who, nevertheless, remained at the French Court, awaiting the orders of his Government. These have been transmitted, requiring the Minister to return to the United States in the event of a second rejection of the bill of indemnity.

The difficulties in the way of executing the treaty are thus likely to be increased; and the Committee regret that the French Government had not awaited the action of Congress before it suspended diplomatic intercourse. The Committee concur in the propriety of recalling Mr. Livingston on the contingencies provided for. In the mean time, the course pursued by the French Government is likely to lead to an amicable adjustment of the difficulties.

The Committee think the position formerly taken by them is made stronger by the correspondence reported, and that they ought to adhere to their former resolution to await the result of the second appeal to the French Chambers.

Instead of further legislation, they express their congratulations on the prospect held out of a termination of the misunderstanding between the two countries. War, at all times to be deprecated but as the last extremity, would be particularly regretted with France, so long and so closely connected with us. Besides other causes of regret, "limited as its theatre would probably be to the ocean, the United States, instead of maintaining the liberal code for which they have hitherto contended, might find themselves called upon to assert its principles as to the right of search, contraband, and blockades, against which they have so often protested:" and it would be almost a miracle, if, in the practical application of some

of those principles, they did not find themselves involved in serious collisions with neutral Powers, whose marines would be profiting on the sacrifices of the belligerents.

Hoping that so calamitous a result will be averted, the Committee ask to be discharged from a further consideration of the message of the President.

The appropriation bill for fortifications contained a clause appropriating three millions of dollars, to be used by the President for the fortifications and the navy.

In the Senate, this appropriation of three millions was struck out, on the motion of Mr. Webster. Comments disapproving of it were made by several members, it evidently contemplating the probability of a war with France, without any declaration, or a declaration by the Executive. On the vote for disagreeing to the appropriation, there were twenty-nine yeas to nineteen nays.

On the bill being returned to the House, they insisted on the appropriation. This brought out a motion from Mr. Webster, that the Senate adhere to its disagreement to the appropriation, which was followed by an animated discussion, chiefly by those who opposed the appropriation; and the vote in favor of adhering was twenty-nine, and against it, seventeen.

The House having further insisted, asked a conference, which being granted, Messrs. Webster, Frelinghuysen, and Wright were appointed conferees.

Mr. Webster soon afterwards reported that the Committee of conference had agreed, in lieu of the three millions (the amendment of the House), to recommend the appropriation of three hundred thousand dollars for the fortifications. After waiting some time, Mr. Webster moved that a message be sent to the House to remind it of the report of the Committee of conference;

but hearing nothing from the House in reply, the Senate finally adjourned.

In the House, a message was received from the Senate informing it that they had disagreed to the appropriation of three millions: after some discussion on receding, the question was taken on the motion to recede, which was lost — one hundred and ten voting against it, to eighty-nine for it. At the close of a warm and somewhat disorderly debate, a motion to ask a conference with the Senate was agreed to.

On receiving the message from the Senate reminding the House of the report of the Committee of conference, Mr. Cambreling said that, it being then two o'clock in the morning, and the last day of the session, he did not feel authorised to present to the House an appropriation for eight hundred thousand dollars (five hundred thousand dollars for repairs of vessels). After this, there appeared to have been no quorum. A call of the House was then moved; but Mr. Cambreling protested against the right to call the House. On a count of the members, there were eighty-two members present — no quorum. Mr. J. Y. Mason then informed the House that the Senate had adjourned; and the House then adjourned, at half-past three o'clock.

The appropriation bill being thus defeated, each House of Congress endeavored to throw the blame of it on the other; but as the appropriation of the three millions was rejected by the Committee of conference, and it had been a favorite measure of the House, this latter branch had a motive for not voting on the report of the Committee of conference which the Senate had not, and the responsibility of rising without acting on the report seems to fall on them. Mr. Cambreling vindicated his course in

not reporting to the House the report of the Committee of conference, on the ground that there was not a quorum, many of the members refusing to act after twelve o'clock at night; but it appeared that the appropriation for the Cumberland road was voted after that hour, and that there were then one hundred and seventy-seven members present. It was alleged that there was no quorum, because the moment an attempt was made to take up this subject, the members friendly to the Administration ran out of the House, or behind the bar, ready to return to defeat any attempt to form a quorum.



## CHAPTER XXIX.

### JACKSON'S ADMINISTRATION.

#### SECOND TERM.

1835—1837.

ON the twenty-seventh of March, a treaty was made with the Cherokees, for their emigration, and for the exchange of lands now occupied by them for other lands west of the Mississippi.

The President addressed a letter to them on the sixteenth of March, 1835, in which he earnestly recommended them to emigrate, reminding them of his having given the same advice eighteen years before. He then states that Commissioners would shortly be appointed to meet the whole of their people in council, who would explain the stipulations offered to them, and which he mentions. They are :—

First. For an addition to the country already assigned them, and for the security of their rights and property.

Second. For paying each individual the value of his possessions in Georgia, Alabama, Mississippi, and Tennessee.

Third. For their removal at the expense of the United States, and for their subsistence for one year after they reached their new residence, and one hundred and fifty dollars to each person.

Fourth. For the usual supply of rifles, blankets, and kettles.

Fifth. For the investment of four hundred thousand dollars in a permanent annuity.

Sixth. For adequate provision of schools, agricultural implements, domestic animals, and missionaries.

Seventh. For the payment of their claims.

Eighth. For pensions to such of them as have been disabled in the service of the United States.

These items, and the additional land, will be five millions of dollars, which, divided among the people east of the Mississippi, whom he does not suppose to exceed ten thousand, would give five hundred dollars to every man, woman, and child — which few communities possess.

He earnestly exhorts them to emigrate, for, he remarks, “as sure as the sun shines to guide you in your path, so certain it is that you cannot drive back the laws of Georgia from among you. Every year will increase your difficulties.” He urges them to “take warning from the Creeks: their young men are committing depredations upon the property of our citizens, and shedding their blood: punishment will follow. Your young men will commit the same acts, and the same consequences will ensue.” He thus concludes:—

“Think, then, of all these things. Shut your ears to bad counsels, look at your condition as it now is, and then consider what it will be if you follow the advice I give you.”

On the third of March, Mr. Poindexter, from the Committee on Public Lands, made a report to the Senate on the frauds committed in the sales of such lands.

The Committee say they have received little evidence of frauds in the land offices north-west of the Ohio. The States of Alabama, Mississippi, and Louisiana, have been the principal theatre of speculations and frauds in buy-

ing up the public lands, and dividing the profits among companies of speculators.

The Committee then detail the specific cases by the officers of Mount Salus, and of the Chochuana district; and they conclude with offering a resolution:—

“That the evidence taken under the authority of the Senate, by the Committee on Public Lands, in relation to the conduct of registers and receivers, and frauds alleged to have been committed in the sales of the public lands, be respectfully referred to the President of the United States.”

It seemed that the resentful feelings excited in France by the President's opening message to Congress were further increased by the despatches of Mr. Livingston, which had been published; and that, though the course of forbearance of the two Houses of Congress, in deciding to await the action of the Chambers before they acted on the President's recommendation, had not been sufficient to remove the irritation, it had, doubtless, been greatly allayed. From the temper and sentiments exhibited in their debates, the appropriation by the Chambers of the money which the French Government had stipulated to pay, seemed to be very uncertain; and that even those members who were disposed to make the appropriation, talked of annexing to it some condition of amends to the insulted dignity of France.

It afterwards appeared that, when M. Serrurier received orders to return to France, he was informed by M. de Rigny that the President's message had produced all the effect which he (Serrurier) had anticipated. He was directed to leave the United States, as a mark of their scorn of a measure so offensive, after delivering to Mr. Forsyth the note then sent. He added, that the bill relating to the American claims would be presented the

next day, but would contain a clause authorising the payment of all or part of the twenty-five millions for indemnifying the subjects of France for the losses they would sustain in consequence of any measures to be adopted by the United States.

The note from M. Serrurier to Mr. Forsyth, which he says he was instructed to deliver, states that the President's message had been received with the most painful surprise."

It then examines the President's charges, and justifies throughout the course taken by the French Government; and says that no communication through Mr. Livingston had afforded any reason to expect the irritation which the message of December "has revealed in a manner so deplorable: that the bill was about to be presented when the arrival of the message forced the Government to deliberate upon the part it ought to act. "Strong in its good faith and dignity, it did not think that the inexplicable act of President Jackson ought to make it absolutely renounce a resolution founded upon principle, and sentiments of good faith and good-will towards a friendly nation." Although it is aware of the extent to which the provocation from Washington has increased the difficulties, already great, it decided to apply to the Chambers to place at its disposal the twenty-five millions; and in the mean time His Majesty has resolved not to expose his Minister to hear such language as was uttered on the first of December, and has accordingly required him to return to France.

This note having been made the subject of remonstrance and complaint by the American Government, was not communicated with the other documents to Congress, Mr. Forsyth alleging that it had been considered necessary to submit it to the Government of

France before it was made public or answered, that it might be ascertained whether certain exceptionable expressions "were to be received *as the result of a settled purpose in the Government*, or as the mere *ebullition* of the Minister's indiscretion."<sup>1</sup> On the notice of it by Mr. Livingston, the Minister of Foreign Affairs is understood to have laid it before the King and the Cabinet; and the result was an unanimous approbation of every line that it contained.

After much opposition, however, and discussion in the Chambers, the appropriation was finally made, in April, by a vote of two hundred and eighty-nine to one hundred and thirty-seven; but with the condition attached to it, that the money was not to be paid until a satisfactory explanation was given by the United States for the offensive language used by the President.

In April, before Mr. Livingston left Paris, he addressed a letter to the Minister for Foreign Affairs, in which he defended the course taken by the President in his opening message, on the ground that, by the character of our Government, he was bound to make full and free communications to the Legislatures; and that such communications, exclusively concerning the United States in their interior relations, were not properly cognizable by a foreign Government. He denied, moreover, that they afforded any just cause of offence to the French Government; and he lays a stress upon the fact that the President had, in no part of his communication, ascribed to the French Government an unworthy or improper motive.

The Bank of the United States, and its branches, finding themselves in an easy condition, in consequence of the large importations of specie which it had been the

<sup>1</sup> Niles's Register, Vol. XLVIII., page 200.

policy of the Government to encourage, by way of making bank paper less necessary, their accommodations were proportionally large; and thus the measures taken to lessen the amount of bank paper in circulation, served but to increase it. Money being thus abundant, a spirit of speculation began to make its appearance in the larger cities, and went on increasing in them until it extended to the smaller towns, and finally to every part of the country. Town lots and houses rose rapidly in price, then the lands near to the cities, and finally the public lands became favorite objects of speculation, until the minds of the people seemed to be in a state of intoxication from greediness of gain, and the vain belief that, by such reckless purchases, their purpose could be attained. This extravagance began in May of the current year, and continued to grow until the following year, when it reached its greatest height, and when the tide began to turn, and prices of what had been thus artificially raised by borrowed capital began to fall yet more suddenly than they had ever risen, thousands who had indulged in dreams of ideal wealth encountered disappointment and ruin.

The establishment of an Abolition Society in the city of New York, together with other indications in the Northern States of their sentiments in favor of abolishing slavery, produced great sensation in the slaveholding States in the course of the present year; and was brought to the notice of the State Legislatures of Virginia and South Carolina in the annual messages of their respective Governors.

Mr. Van Buren, who was now regarded as a candidate for the office of President, was written to for the purpose of ascertaining his sentiments on slavery; and he promptly disavowed any concurrence with that party, or

any other that was disposed to intermeddle in the question of domestic slavery in the States, which he regarded as exclusively cognizable by those States.

During this current year, the people of the Mexican Province of Texas broke off their connection with the Mexican Government, and asserted their own separate sovereignty and independence. They justified themselves for this course on the ground that they had been induced to migrate to Texas from the United States under the assurance and belief that the Mexican Government was a Federal Republic like that of the United States, and that their territory would constitute one of the members of the Confederacy, with the power of enacting their own local laws, and of exercising those rights of sovereignty which are possessed by the separate members of the United States: that, on the faith of these assurances, they had left their homes, settled in the wilds of Texas, and defended the Mexican frontiers from the incursions of the Indians; but that Santa Anna had succeeded in substituting a consolidated central government in Mexico for a Federal Republic, and had required the Texians to submit to it, and to send deputies to the Legislature of this central government; which they, believing it to be in violation of the pledges made to them, and dangerous to their liberties, rights, and interests, as well as repugnant to those principles of policy in which they had been reared, positively refused, and formally announced their refusal to the Mexicans. Upon which the central government decided to compel their submission; and, for that purpose, raised an army, commanded by General Cos, to invade Texas.

As most of the inhabitants of Texas had migrated from the United States, a lively sympathy was felt for them by the people of these States, and numerous adven-

turers flocked to their standard as soldiers, while other citizens aided them with money. The Texians reckoned largely upon this sympathy; yet, after making the most liberal calculations on its influence, it seemed to be the extreme of rashness for a handful of settlers, whose gross population then probably did not exceed thirty or forty thousand, with no other resources than their rifles and their valor, to undertake to resist the power of a rich and organized government of some seven or eight millions. The disparity in point of numbers was almost that of the Lacedæmonians to the forces of Xerxes; and considering the advantage which numbers give, in the modern modes of warfare, was in reality yet greater. The result, however, of the two cases, as we shall see, proved to be the same.

On the seventh of December—the first Monday—Congress assembled; and on balloting for a Speaker, James K. Polk, of Tennessee, was elected, having fifty-one more votes than his opponent, Mr. Bell, of the same State, who, by espousing the cause of Judge White for the Presidency, in preference to Mr. Van Buren, had lost the favor of General Jackson and his friends.

The next day the President sent his opening message to both Houses.

Beginning with a panegyric on the growth and prosperity of the country, and its advanced rank in the scale of nations, he gives an admonition of the danger of internal dissensions to the cause of freedom, to that of self-government, and to the hopes which the success of our experiment holds out to the friends of free government everywhere.

The foreign relations are the next objects of his consideration.

Nothing yet has been done towards a settlement of



the north-eastern boundary; though occurrences are continually taking place to impress upon all the necessity of terminating the dispute.

The good faith of Portugal, of the Neapolitan Government, and of Spain, in our diplomatic intercourse with them, are highly commended.

Our political and commercial relations with Russia, Austria, Prussia, Sweden, and Denmark, stand on their former favorable bases.

He calls their attention to the commercial privileges claimed by Holland and Belgium, which had been noticed by his predecessor at the opening of the second session of the nineteenth Congress; and he therefore recommends a review of the act of Congress of 1824, and such modification of it as will produce equality towards these nations, now that they are no longer under one government.

A convention with Mexico for running the boundary line has been concluded, and will be submitted to the Senate. Recent events in that country have excited the liveliest solicitude. Knowing the inducements held out to our citizens to mingle in their dissensions, orders have been given to prosecute all who attempt to violate our obligations of neutrality.

We have a good understanding with Brazil, Chili, Peru, Central America, Venezuela, and New Grenada; but nothing yet had been done by them towards a settlement of the claims of our citizens, in consequence of their domestic dissensions, in the course of which new injuries are often added to the old; a state of things that other nations may not continue to bear.

He then gives the history of the appropriation made by the Legislature of France for the money to be paid under the treaty, and of the condition annexed to its

payment, by reason of which payment is still withheld. He reviews, at some length, the origin of those claims, and of the long course of fruitless negotiation to which they had given rise, of their final adjustment by the treaty of 1831, and of the subsequent measures of both Governments. In this review he reiterates his former complaint that the subject was not brought before the Chambers at their session of July, 1834, as he had had reason to expect. He then justifies himself for his mention of the subject to Congress, and the conditional proposal of retaliatory measures; but he denies that the French Government had any right to consider this a menace and an insult. They had finally passed a bill for the payment, but with a condition annexed to it, that the French Government should receive satisfactory explanations of the President's message of December, 1834. He aims to show that this condition is not only unreasonable in itself, but inconsistent with the ground previously taken by the Ministry. He insists on his right to communicate frequently with the Legislature of the United States; and that, with these domestic discussions, foreign Governments have no right to meddle.

He then refers to the vindication, by the American Minister at Paris, on complaint being made of the message, and of his disclaimer of any intention to threaten, or to make any charge of bad faith against the King or the French nation. Although this communication, he adds, was made without instructions, and on the Minister's own responsibility, yet it afterwards became the act of the American Government by his full approbation; and that approbation was officially communicated on the twenty-fifth of April, 1835.

He had therefore instructed the American *Chargé d'Affaires* to ask for the final determination of the French

Government; and, in the event of their refusal to pay the instalments due, to return to the United States.

The result of this application is not yet known. He hopes for a favorable result, and a restoration of harmony between the two nations. "The honor of the country," he adds, "shall never be stained by any apology from me."

The finances are in a most favorable condition. The remains of the debt are now all paid off, or money has been placed in deposit for the creditors; and there will be a balance in the treasury, at the end of the year, of about nineteen millions of dollars. After paying all outstanding appropriations, there will remain near eleven millions to be applied to any new objects. It is expected that there will be received twenty millions in 1836. As there may be a considerable decrease in the revenue, he does not recommend that Congress should attempt to modify the present tariff; but thinks that the money had better be allowed to accumulate until the contemplated changes in the tariff have occurred, when the whole system may be revised and remodified.

We are bound to diminish taxation as far as we can, and we have already done much in this way, and much more may be accomplished by the same course of economy.

The sales of the public lands afford strong evidence of the increase of public prosperity. They amount, in the last year, to the unexpected sum of eleven millions of dollars. He reminds them of his former suggestions on our true policy as to those lands.

Congress should discontinue the receipt of the bills of the Bank, and provide for an agent to take charge of the books and stock of the United States in that institution.

It will be seen that no information has been given to the Government when it may expect dividends.

He mentions the advantages already derived from the laws regulating the gold coinage; which advantages will be increased when the branch mints in North Carolina, Georgia, and Louisiana, have gone into operation. Aided as they will be by judicious regulations of Congress, and further reforms in the banking system, it may "be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country." "The great desideratum," he adds, "in modern times, is an efficient check on the power of banks."

He dilates on the failure of the Bank to fulfil the purposes of its creation, on the sufficiency of the State banks to supply its place, and anticipates a reform in the paper system, by which all bills below twenty dollars will be suppressed, and specie will take its place. This he fondly pronounces "an era in the history of our country which will be dwelt upon with delight by every true friend to its liberty and independence."

He then makes brief reference to the affairs of the army, and adverts to the failure of the appropriation for fortifications as a matter of regret. On the present system of military education he passes just encomiums. The organization of the militia, and the classification of the people, are urged at great length.

The removal of the Indians presents also a copious theme, as to its benefits to them, and as to the details of the mode. Some general legislation he suggests under the new relations which will exist between the United States and these transplanted tribes.

In his notice of the affairs of the navy, the plan of enlisting boys is recommended.

The affairs of the post-office, under the present management, are very favorably noticed; and provision is recommended to be made for the transportation of the mails on railroads, since the spirit of monopoly here already exhibits itself in its exactions on the public. A fixed rate of compensation by law is suggested as a safe and practicable expedient. He here adverts to the circulation of inflammatory appeals to the passions of the slaves; and after mentioning the wide-spread mischief of such practices, he suggests a law making the circulation of incendiary publications highly penal.

His uniform recommendation of an amendment of the mode of electing a President is not forgotten, and the mischiefs of an election by the House of Representatives are particularly dwelt upon.

The District of Columbia, and the judicial system, are the last subjects commended to their notice.

On the twenty-fifth of December, Mr. Cambreling introduced a bill for the relief of the sufferers by a late fire in New York, by which they would obtain an indulgence of three, four, and five years on the custom-house bonds. This fire was of unprecedented extent. It destroyed about seven hundred houses, in the most populous part of the city, and the loss of property was estimated at from twenty to thirty millions of dollars.

On the twenty-ninth of December, Mr. Clay introduced a bill for the distribution of the proceeds of the public lands among the States and Territories, similar to the bill of 1833, except that, instead of twelve and a half per cent. allowed to the new States, he now proposed to allow only ten per cent. The aggregate sum to be distributed for the receipts in the last three years was twenty-one millions of dollars; from which, after the allowance to seven new States was deducted, there would remain

eighteen millions and thirty-five thousand dollars to be distributed.

He made a speech, explaining the principles of the bill, and expressing his lively regret that the former bill had been negatived by the President. He contrasted the benefits that would have accrued to the nation, if the surplus revenue had been thus distributed, with the unprofitable, and sometimes mischievous, use that had been made of it by the deposit banks. He again adverted to the fact that the affairs of the public lands had been forced upon him by those who were politically unfriendly. The bill which he reported received the approbation of the Senate that session, and of both Houses at the succeeding session. He adverts feelingly to the early difficulties against which he had to struggle, and acknowledges the favor and confidence of his fellow-citizens with lively gratitude.

Mr. Calhoun offered a resolution that the report of the Secretary of the Treasury be referred to the Committee on Manufactures, with instructions to report a bill for the reduction of all duties that may be reduced consistently with the manufacturing interest.

He adverted to the large sum now in the treasury—twenty-one or twenty-two millions of dollars—which, in the coming year, would scarcely be short of thirty millions; and with this immense revenue at the disposal of the Executive, all efforts to oppose his will would be unavailing. He dwelt on the necessity of lessening this source of influence; and he showed that the manufacturing interests recommended the same course. The motion was agreed to.

The affairs with France still bore a threatening aspect. In consequence of the instructions which the American *Chargé d'Affaires* had received, he applied to the French

Government, on the ninth of November, to know their final determination about paying the instalments due under the treaty of 1831; and understanding that they were not authorised to pay it without the explanations required by the act of the Chambers, he demanded his passports, and he reached the United States early in January.

On the eleventh of that month, Mr. Clay remarked to the Senate that our affairs with France were every day becoming more and more serious in their character. Mutual irritations were daily occurring, and, if peace is preserved, a state of feeling greatly to be deprecated must be the consequence. As Congress has the exclusive right to determine the question of war, it has a right to know the correspondence between the two Governments, whether official or not, formal or informal: yet, the whole public has been discussing the contents of a paper which the Senate has not been allowed to see. He had been expecting a communication from the President, but, as it had not come, he offered several resolutions: —

That the President be requested to communicate, if not incompatible with the public interests, whether any overture has been made since the last Congress, by the French Government, to accommodate the difficulties between the two Governments, and particularly whether a despatch from the Duke de Broglie to the French *Chargé d'Affaires* at Washington, was read for the purpose of indicating a mode of accommodation.

That if such overture was made, the President inform the Senate of the answer given, and also a copy of that despatch.

By an amendment the next day, on motion of Mr. Leigh, a copy of the note of M. Serrurier, of the twenty-fifth of February, 1835, mentioned in the President's

message, was also required: all of which resolutions were adopted.

A message was received from the President, informing Congress of a legacy from James Smithson, of England, to the United States, for the purpose of founding at Washington an establishment, under the name of "the Smithsonian Institution," for the "increase and diffusion of knowledge among men."

A report was made by Mr. Leigh, giving a brief account of this bequest, the right to which had been litigated in England, advising that the legacy should be accepted, and concluding with a resolution, that the President take measures for obtaining possession of it.

Mr. Benton offered several resolutions, on the twelfth of January, relative to the public defence:—

First. That the President inform the Senate of the probable amount required for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require fortification.

Second. For an adequate number of armories and arsenals, to supply the States with artillery for their militia, and side-arms and pistols for cavalry.

Third. For a supply of ordnance, arms, and munitions of war, which prudence should require always to be on hand.

Fourth. To place the naval defences, including the navy-yards, dock-yards, and arsenals, upon the footing of strength and respectability which is due to the security and welfare of the nation.

In Mr. Benton's remarks on these resolutions, he adverted to the French fleet of observation, comprising sixty sail, now approaching our coast, as of a threatening character. He referred to the profits of our trade to France; to the language of intimidation used in the French



Chambers; to the failure, last session, to make appropriations for fortifying the coast, and to put three millions of dollars in the hands of the Executive, for the sake of showing that the Senate was responsible for the present defenceless state of the country; and, lastly, to the plan of distributing the surplus in the treasury.

Mr. Leigh replied, defending the Senate from the charge of not acting on the appropriation for fortifications on the last night of the session. Mr. Goldsborough, of Maryland, followed on the same side.

Mr. Webster entered into a more thorough vindication of the Senate, especially in its refusal of the anomalous grant of three millions of dollars, to be placed at the discretion of the Executive.

On the eighteenth of January, 1836, the President sent a message to both Houses of Congress on the subject of our affairs with France, with the correspondence which had taken place between the American *Chargé d'Affaires* and the French Minister of Foreign Affairs, in which the latter says: — "We will pay the money when the Government of the United States is ready, on its part, to declare to us, by addressing its claim officially to us in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France:" and he adds: "if the Government of the United States does not give this assurance, we shall be obliged to think that the misunderstanding is not the result of an error."

Regarding this as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, he feels it to be his

duty to call their attention to such measures as the exigency demands. If France merely required a declaration that we had no intention of obtaining our rights by addressing ourselves to her fears, it has already been made to her. If she wants a degrading repetition of this in terms dictated by her, she will never obtain it.

The Secretary of State was lately called on by the French *Chargé d'Affaires*, who communicated a letter he had received from the Minister of Foreign Affairs, in which he intimated in what manner the explanation could be made. The communication being of a private character, no official notice was taken of it. This letter was read on the eleventh of September, and was the first authentic indication of the specific views of the French Government. As this was before Mr. Livingston offered his explanation, it was hoped the French Government, on learning the President's approval of Mr. Livingston's explanation, would have been satisfied, and paid the money. The result is a demand of a written expression of regrets, and a direct explanation.

The American *Chargé d'Affaires* having returned, and that of France having been recalled, there is no longer any diplomatic intercourse between the two countries—a state of things for which he considers France responsible.

It is time, he thinks, for legislative action to sustain the course taken by the Executive. France must expect that we will resort to such peaceful remedies to do ourselves justice as the laws of nations authorise. As all branches of that Government have acknowledged the justice of our claim, he cannot believe that she has determined to retain her present position; but until that determination is evident, he suggests that we should interdict the importation of French products, and the

entry of French vessels. The recent naval preparations by France ought to be met by correspondent preparations on our part. No array of military force, however formidable, will, he trusts, have any influence to make us deviate from the path of duty. He concludes with referring to the resolution of the House at the last session, that the treaty of 1831 should be maintained, and its execution insisted on; and says it is due to the welfare of the human race, no less than to our own interests and honor, that this resolution should, at all hazards, be adhered to.

Besides the other correspondence, the President also sent a letter from Mr. Livingston to the Duke de Broglie, dated the twenty-ninth of January, 1835, which, by oversight, was omitted in his former communications. This letter maintains the ground formerly taken by him, that the President was justified in his message to Congress, and in complaining that the French Government had not done all which he had reason to expect they would do.

In reply to a call of the Senate, a report was made by Mr. Forsyth to the Secretary of State, in which he communicated such despatches and correspondence as had not been transmitted by the President. They essentially go over the same ground that the parties had previously occupied. The Government of the United States complaining of France first for delay and neglect of claims; and France, of the menacing and offensive language used by the United States, and of some complaints that were not well-founded.

After the papers were read, Mr. Buchanan expressed his entire satisfaction with the President's message, which, he said, was all he desired it to be. Mr. Calhoun followed, taking opposite ground, and condemning with

severity some things which had occurred in the negotiation; and he showed that, from the first, the French Government had stated to our Minister, Mr. Rives, that the difficulty would be, not with them, but with the Chambers.

While this controversy was thus prolonged upon a point of etiquette, and two civilized and populous nations were threatened with war, which both of them deprecated, Great Britain seasonably stepped in to remove the difficulty which neither of the parties seemed inclined to obviate.

In December, after the American *Chargé d'Affaires* had left Paris, an offer was made by the British Ministry to mediate between the United States and France, which offer was promptly accepted by France. This mediation was communicated by the President to Congress on the eighth of February, with the information that he had also cheerfully accepted the offer, and that it would be improper to act on his recommendation of non-intercourse until it was known whether France also accepted the mediation. He, however, repeats his recommendation to put the seaboard in a state of defence.

On the twenty-second of February, another message was received from the President, in which he states the determination of the French Government to execute the treaty with the United States, and sends the correspondence between the British *Chargé d'Affaires* and the Secretary of State relative to the offer of mediation, and also that the same offer had been accepted by France. He takes occasion to state the want of preparation in which the country would have been found, if hostilities had broken out during the recess of Congress; and recommending such provision, by law, as may prevent the recurrence of the like danger.

In the letter from Mr. Bankhead to Mr. Forsyth, it is properly remarked, that there was "no question of national interest at issue between France and the United States." Mr. Forsyth's reply gives a qualified acceptance, since he states, after a review of the whole case, that the condition prescribed by the act of the Chambers could never be complied with: and the President feels that "he may rely on the intelligence and liberality of His Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to subject the point to the control of any foreign State, whatever may be his confidence in its justice and impartiality." He adds that, after his frank reservation of this point, His Britannic Majesty thinks his mediation can be effectual, and he is informed that it is cheerfully accepted.

The British *Chargé d'Affaires* replies, on the fifteenth of February, that the British Government has received a communication from the French Government, stating that "the frank and honorable manner in which the President has, in his recent message, expressed himself with regard to the points of difference between the Government of France and the United States, has removed those difficulties upon the score of national honor which have hitherto stood in the way;" and that, consequently, the French Government is now ready to pay the instalments. This communication it makes to Great Britain, not as the mediator, but as the common friend of both parties. To which a very proper reply was returned by Mr. Forsyth, expressing the President's satisfaction, as well as high sense of the elevated motives of the British Government; and his anticipations that its benevolent and magnanimous wishes for the restoration of harmony will be realized.

Mr. Clay expressed his satisfaction at the termination of this controversy, and congratulated the Senate on its agency in bringing about this happy result, both by the resolution it passed, and its refusal of the three millions of dollars.

On the doctrine that foreign Governments have no right to take offence at the communications made from one department of our Government to another, he showed that this principle was disregarded in Mr. Van Buren's instructions to the American Minister to Great Britain; that it was violated in Mr. Rives's explanation to Prince Polignac; and it was violated by Mr. Livingston, when he undertook to explain the President's message of December, 1834. It was violated in June last, when the Secretary of State approved of the former's explanation; and again in the message of December last, when the President, almost in the very language, made the explanations suggested by the Duke de Broglie to Mr. Rives. The message was prepared, "to obtain with France the merit of a satisfactory explanation, and with the *people of the United States* the merit of refusing all explanation. The President, in saying he would never explain, made an explanation. He rejoiced that France had the wisdom to receive it. She had, however, taken a false position. The best vindication of her good faith would have been to pay the debt she acknowledged to be just, and, when paid, she would have been in the proper attitude for demanding satisfaction for her insulted honor. He, however, congratulates the country on our escape from a war with France, in which neither civil liberty, nor maritime nor territorial rights, nor national independence, nor true national honor, was involved—a war, the cause of which was an unfortunate message, the object of which, an inconsiderable debt, cancelled by the very act

of declaring it — a message regretted by the Senate, regretted by the House of Representatives, and regretted by the whole country; and which, whatever might have been the patriotism that dictated it, all regarded as rash, intemperate, and dangerous to the peace of the country. He compliments Great Britain on her generous and disinterested course.

He then adds, playfully, that our good old President has hardly terminated the French war, before he declares a new one against the surplus fund. He hoped that he, or at least his friends, would turn their thoughts on peace, and unite in an equitable distribution of this fund: and thus what, from a mere speck on the horizon, had suddenly become a threatening cloud, had yet more suddenly dissipated, and left the United States apparently in the enjoyment of unexampled and substantial prosperity.

The internal affairs of the country now engrossing the attention of the leading politicians, found more than usual occupation in the Legislature.

On the fourth of February, Mr. Calhoun, from the select Committee of the Senate concerning that part of the President's message which referred to inflammatory appeals to slaves, made a report.

The Committee think that Congress has not the power to pass a law prohibiting the circulation of incendiary publications; but they think the power possessed by the States amply sufficient for their protection.

They then examine the constitutional question in full, and consider that such a law would be liable to the same objections as the sedition law, and would, moreover, infringe the reserved rights of the States.

They think that, under the mutual obligations of the States to each other, the slaveholding portion have the

right to expect the co-operation of the other portion to prevent their citizens from endangering the safety or peace of the slaveholding States; and these have, on the principle of self-defence, ample powers to punish all such attempts.

The Committee then advert to the principles maintained by the Abolitionists, to effect an emancipation of the slaves, as not merely interfering with the rights of property, but as fraught with incalculable mischiefs, and as aiming to put to hazard every thing that is dear to one-half the States of the Union. The wickedness and cruelty of the end is equalled by the criminality of the means; and if these objects are persisted in, they must inevitably alienate the two great sections of the Union.

The Committee conclude with reporting a bill, which made it unlawful for any postmaster to receive for the mail, any publication prohibited by any State to which such publication is addressed; and made it their duty to prevent the circulation of such publication: and the Postmaster-general is required to furnish to his deputies copies of such laws: with other provisions to enforce the same purpose.

The President and Directors of the Bank of the United States having now lost all hope of being rechartered by the Federal Government, applied for a charter from the Legislature of Pennsylvania, with the consent of the stockholders, and finally succeeded in obtaining one, but on no very favorable terms. They were required to pay to the State a bonus of two millions of dollars, and also to take shares in certain joint-stock canal and railroad companies in the State; and to lend to the State, when required, at four or five per cent. interest, six millions of dollars—terms far more onerous than had been granted by the General Government, and



affording far less prospect of profit, from the great inferiority of the deposits which it could hope to receive, and the more limited extent of its business and circulation. It seemed, indeed, palpably absurd to expect to find employment in any one State for thirty-five millions of bank capital, which, in addition to that of the State banks, had been found sufficient for all the States.

It seems probable that an institution so much exceeding the amount of capital in any other State bank would not have been ventured on, if hopes had not been entertained that many of the States, insufficiently provided with bank capital, especially the South-western, would have been willing to accept branches from this Bank of Pennsylvania; and this might have been done, if the violent opposition of General Jackson, who was very popular in those States which were most likely to accept branches, had not defeated the scheme. The Jackson party there prevailed by numbers against the moneyed interest, and the classes of business men who would have been customers of the Bank.

At this time, the bank capital of Pennsylvania was about twenty-three millions, or about one-tenth or one-eleventh of that of the whole United States, which was to be thus suddenly more than doubled. So much personal feeling, however, had entered into the controversy between the Administration and the Bank of the United States, on both sides, that it probably had its influence in obtaining this charter, which, by assuming the appearance of continuing the Bank, notwithstanding General Jackson's opposition, seemed to give the friends of that institution a triumph over him.

The people of Florida were now greatly annoyed by the hostilities and depredations of the Seminole Indians, and both Georgia and South Carolina were applied to for

military aid. It was believed that many of the discontented Creeks had joined the Seminoles. The people of St. Augustine were kept in constant alarm. The chief of the Seminoles was Osceola, sometimes called Powel, who exhibited a good deal of talent for the species of desultory warfare peculiar to these tribes. He was a half-breed, having an English father and an Indian mother.

In answer to a resolution of the Senate, inquiring into the measures which had been taken by the Administration to suppress the Indian hostilities in Florida, the President, on the tenth of February, sent a report from Mr. Cass, the Secretary of War. A force — ten companies — had been sent there in February, 1835, on a requisition from General Clinch. The whole number of troops now in Florida, and on their way thither, amount to about twelve hundred men; and the commanding officer did not think that the entire Seminole population exceeded three thousand persons, of whom sixteen hundred were females; and it was probable that one-half of the fourteen hundred males were disaffected and unwilling to remove. This was exclusive of the Creeks who had lately joined them.

The origin of these discontents, and the outbreak which followed, was given in an abstract prepared in the War Department, and forwarded by the Secretary.

According to this narrative, a treaty was concluded at Payne's Landing, with the Seminole Indians, in May, 1832, by the terms of which, and of a supplementary treaty in April, 1834, they were to remove, within three years, to the lands of the Creeks west of the Mississippi, in 1833; but this treaty not being ratified until 1834, and no appropriation being made for their removal, nothing towards it was done. When, however, the time

came for their removal, they were disinclined to it, and made various excuses for refusing, founded partly on a treaty of 1823, which had been superseded by subsequent treaties. They were then informed by the Government, that it could not consent to their remaining in Florida, in which decision they appeared to acquiesce. But, on the suggestion of General Clinch, they were permitted to remain until the following year, if they would then pledge themselves to remove peaceably on the first of March; but, before this permission, they had entered into a new arrangement, by which the treaty of Payne's Landing was recognized, and they agreed to remove about the fifteenth of January; which arrangement had the subsequent sanction of the President.

In the course of these negotiations, Powel, or Osceola, had behaved so ill in General Thompson's office, that he was put in irons; but he afterwards expressed his regret, and his willingness to sign the new agreement, which he accordingly did.

The first indication of hostilities was in December, 1835, when, from four hundred to five hundred of those friendly to emigration had fled to Tampa Bay for protection, and when one of the most intelligent chiefs of this party had been murdered by those opposed to removal; and General Thompson, who gave the account, thought that force must be resorted to. On the thirtieth of December he considered the Indians in a decided state of hostility.

On the twenty-second of January, 1836, a debate took place in the House of Representatives on the subject of the lost appropriation bill of the preceding session, which was begun by Mr. Adams, for the purpose of showing that the failure of that bill was owing to the Senate, and not to the House of Representatives. The three millions,

he said, were to be expended solely for military and naval defence, and not one dollar could have been used for any other purpose, and not even then, unless it should be found necessary. This, he said, was the appropriation bill, following close upon the unanimous vote that the execution of the treaty of 1831 should be insisted on. "This is the appropriation bill so tainted with man-worship, so corrupt, so unconstitutional, that the indignant and patriotic eloquence of the National Intelligencer would sooner see a foreign enemy battering down the walls of the capital than agree to it. Sir, for a man uttering such sentiments there would be but one step more, and that would be with the enemy at the walls of the capital, to join him in battering them down."

Here a spontaneous burst of feeling and applause from the members showed the sentiments of the House, and probably of the nation, who regarded General Jackson as the fearless asserter of the nation's rights and honor, regardless of the cold dictates of prudence, or republican jealousy.

Mr. Adams said he had voted for the appropriation, and he gloried in it. There were three systems of policy proposed in our controversy with France: that of the President, disclosed in his message; that of the Senate, which was to do nothing; and that of the House, which was between the two.

He went on to justify the course taken by the House, both as to the appropriation, and its disagreement with the Senate. With a majority of the House he had voted throughout, casting the blame on the Senate, which he, moreover, censured for its disrespectful treatment of the House.

Mr. Adams, who now appeared in the character of a defender of the Administration, as well as the vindicator

of the nation's honor and self-respect, continued his speech the next day; and was followed by Mr. Wise, who said that, "as the party had thought fit to make this question a test of political merit, he was determined that the whole truth should be told. He thought that neither the Senate nor the House were responsible for the loss of the bill; but, pointing to Mr. Cambreling, as Nathan said to David, "thou art the man." He disclaimed any intention of being unfriendly to Mr. Cambreling. He then entered into a minute detail of the facts, to show Mr. C.'s agency, or rather failure to act, by reporting from the Committee of conference, and preventing a call of the House when there was no quorum. He also gave a history of the amendment which proposed the appropriation of three millions, for which he voted, without then knowing it was a war measure, or that it was desired by the President, as some of the members were secretly told, and which course of proceeding he vehemently denounced. That one of the reasons assigned by Mr. Cambreling for not reporting the result of the conference was, that the hour for terminating the session had arrived; yet he afterwards voted on other questions, it has since appeared. Another was, that there was no quorum; but he showed that there was a quorum, but that some of the members held back, that nothing should be done, and the Senate be blamed for the failure. He also charged Mr. Adams with inconsistency, in voting to recede from the course of the House. He was particularly personal and severe on Mr. Adams, whom he considered to have joined the Administration party.

On the twenty-seventh, the debate was continued by Mr. Cambreling. He vindicated his course throughout, and denied that the want of a quorum was a party contrivance; but admitted, after the Senate had repeatedly

refused to concur in the appropriation of three millions for the defence of the country, and when there was known to be no quorum of those who were willing to vote after twelve o'clock, he did not feel authorised to present to the House an appropriation of eight hundred thousand dollars. He showed that similar appropriations of money, to be used in the discretion of the Executive, had been common in every Administration, from General Washington's to the present time. He concluded with deprecating further disputes about the cause of the lost appropriation, and exhorted all parties to unite in defence of the nation, now that a French fleet was abroad upon the Atlantic.

As the fortification bill failed while the difference with France was still pending, it was natural for the conflicting parties to differ about the responsibility for its failure; and since there were no less than three Whig candidates for the Presidency then in the Senate,<sup>1</sup> the friends of Mr. Van Buren were further stimulated to show that the cause of the failure was in that body. It was to correct this impression that the debate on the subject was carried on principally by his opponents.

The ground taken by Mr. Wise was warmly and ably supported by several other members, especially by Mr. Hardin, of Kentucky, who, with caustic severity, assailed Mr. Adams on the ground of the new party (that of the Administration) which he had recently joined; and Mr. Hardin did not hesitate to impute the change to a calculating ambition.

This debate, distinguished for its heat and personalities, was discontinued without any vote on the resolutions which introduced it.

One of the pieces of party machinery now put in

<sup>1</sup> Mr. Webster, General Harrison, and Judge White.

motion by the friends of the Administration was to induce the Legislatures of the States, in which their friends constituted the majority, to instruct their Senators to vote for expunging the resolutions of the Senate which censured the President. The State of Ohio had given this vote. So had Alabama. The State of Tennessee, however, refused by a decisive majority. The State of Virginia also gave the instructions.

The Governor of Virginia (Mr. Tazewell), in consequence of a resolution that he would send a copy of their proceedings to the Senators, and request them to lay them before the Senate of the United States, replied to them that neither of those acts was within the sphere of his duties as required by the Constitution or laws, and of course he was not obliged to perform them unless he approved them. He could not do this without injustice to himself. But it did not become him to address arguments in support of his opinion, and against them; but if they would permit him to place a document on their journals, he would state his reasons for dissenting from their views: whereupon the Speakers of the two Houses were requested to send on the resolutions.

A report was made in the Senate, on the twenty-seventh of January, by Mr. Ewing, of Ohio, in behalf of the Committee on Public Lands, on the distribution of the proceeds of those lands.

The Committee say that various plans have been suggested to dispose of the large surplus of revenue which is now accumulating in the treasury. They are:—

First. The reduction of the customs.

Second. Increased expenditures in the navy and fortifications.

Third. A reduction in the price of the public lands, and the surrender of large portions of them to the States.

Fourth. This bill—which proposes to distribute the proceeds of the public lands among the States, leaving the receipts from the customs to defray the ordinary expenses of the Government.

All of which are separately considered, and to all of them, except the last, are urged strong objections, either upon the score of public policy, or of equality among the States.

They then examine the constitutional power of Congress to make this distribution, and they decide not only that it possesses the power, but it is its duty to exercise it as to all the public lands north of thirty-one degrees of latitude, and east of the Mississippi; and as to those acquired by the purchases of Louisiana and Florida, though there are no constitutional provisions, they ought to be subjected to the same principles as the lands held at the formation of the Constitution.

In adverting to the rapid increase of revenue in the United States, they say that the estimate of the Secretary of the Treasury for the last quarter of the last year was four millions five hundred thousand dollars; yet the receipts for the same quarter have actually amounted to eleven millions one hundred and forty-nine thousand dollars, and the whole receipts for the year 1835 have exceeded his estimate by fourteen millions six hundred and twenty-nine thousand dollars. From the data afforded by the past, the Committee estimate the receipts for the next ten years, if the land system be observed, and the country remain at peace, at ten millions a year. They conclude with reporting the bill with amendments, and recommending its passage.

The bill for distributing the proceeds of the public lands passed the Senate, on the second of May, by twenty-five votes to twenty.



A petition having been presented from the Society of Friends in Philadelphia, to abolish slavery in the District of Columbia, the question was taken on the motion of Mr. Calhoun, that the petition be not received, when thirty-six voted for its reception, and ten in the negative.

Mr. Clay, by way of amendment to Mr. Buchanan's motion, that the petition be rejected, without now affirming or denying the constitutional power of Congress to grant the prayer of the petition, believes, even supposing the power uncontested, which it is not, that the exercise of it would be inexpedient:—

First. Because the people of the District have not themselves petitioned for the abolition.

Second. Because the States of Virginia and Maryland would be injuriously affected by such a measure, whilst slavery continues to subsist within their respective jurisdictions; and neither would probably have made the cessions which now form the District, if they could have anticipated such a measure, without expressly guarding against it.

Third. Because the injury which would be inflicted by exciting alarm and apprehension in the States tolerating slavery, and by disturbing the harmony between them and the other members of the Confederacy, would far exceed any practical benefit from the abolition of slavery within the District: which resolution was laid on the table.

In consequence of the instructions from the Legislature of Virginia to the Senators of that State, to vote for expunging the resolutions, Mr. Tyler sent them a letter of resignation. A letter was also addressed to them by Mr. Leigh, in which, while he acknowledges the right of instruction, yet, considering the act required of him to be unconstitutional, he cannot, in consequence, perform

it; and he refuses, also, the other alternative proposed to him, of resigning, under the circumstances of his case. He had previously intended to keep his seat, but he should now hold it long enough to signalize his resistance to what he "honestly believed to be unconstitutional instructions." He should resign it at the commencement of the next session of the General Assembly.

On the eighteenth of March, 1836, Mr. Benton offered his preamble and resolutions for expunging from the records of the Senate the resolutions passed by that body on the twenty-sixth of December, 1833, condemning the President of the United States for dismissing the Secretary of the Treasury because he would not remove the public deposits from the Bank of the United States, and for taking upon himself the power of removing the said deposits. The last resolve of the Senate was declared unconstitutional, because the President was thereby pronounced guilty of an impeachable offence; was unfounded and erroneous in fact, because the President did not take upon himself the removal of the deposits; was uncertain and ambiguous, containing nothing but a loose and floating charge of derogating from the Constitution and laws; with other objections. Therefore, resolved, that the said resolve be expunged from the journal, by drawing black lines round the resolve, and writing across the face thereof, in strong letters, "Expunged by order of the Senate this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, 1836."

He supported the resolutions in a long and elaborate speech, and was followed by Mr. Porter, of Louisiana, who occupied part of two days in strenuous opposition to the resolutions, after which the subject was suspended for a few days. But, in the mean time, a resolution was offered by Mr. Calhoun, to inquire into the expediency

of providing for the safe keeping of the journals of the two Houses, and other public records, and for protecting them from being obliterated, defaced, expunged, or otherwise injured. After some discussion, the resolution was laid on the table, by nineteen votes to fifteen.

The discussion of Mr. Benton's resolutions was resumed on the twenty-eighth of March, by Mr. Rives, recently re-elected to the Senate from Virginia, in the place of Mr. Tyler, who had resigned. After Mr. Rives had spoken in favor of the resolutions, he was followed by his colleague, Mr. Leigh, in opposition to them; and, two months later, the discussion was closed by Mr. Hill, of New Hampshire, in support of them, when they were, at the instance of their mover, laid on the table.<sup>1</sup>

The accounts received from Florida represent the Seminoles as making a resistance to the force sent against them very disproportionate to their numbers. On the twenty-eighth of December, they overpowered a body of about one hundred men and eight officers, under Major Dade, all of whom perished, and their bodies were soon afterwards found in the position in which they were shot, with their clothes on, but most of them were scalped. Only four men effected their escape.

It appeared by a letter from the Secretary of War, in conformity with a resolution of the Senate of the second of February, asking for information respecting the Indians on the frontiers of the United States, that the number who have removed from the eastern to the western side of the Mississippi is about thirty-one thousand, that about seventy-two thousand yet remain to be removed. It is estimated that the indigenous tribes between the Mississippi and the Rocky Mountains are about one hundred and fifty thousand.

<sup>1</sup> Register of Debates, Vol. XII., Parts I. and II., page 1593.

In consequence of some changes in the Senate, certain nominations which were formerly rejected were now confirmed. Among these were Mr. Taney, Chief Justice of the United States, and Mr. Stevenson, Minister to England.

Mr. Clay, from the Committee of Foreign Relations, made a report respecting the last appointment, in which, after reciting Mr. Stevenson's former rejection, and the reasons for it, they say that the same reasons remain in full force; and that, although a place of so much importance might not have been kept vacant until a change took place in the Senate, and the President may not have been influenced by the wish to obtain a triumph over the Senate, yet they think that while the Senate has no right to require the President to nominate any individual, neither has he a right to require them to confirm any particular nomination. But, when once they have acted, there ought to be an end of the matter. They say that formerly the practice of renomination was rare, and only took place on some indication that it was desired by the Senate. The practice, they think, is liable to great abuse. If it becomes common, there will be the danger of the existence or the imputation of corruption.

Notwithstanding this report against the appointment, Mr. Stevenson's nomination was confirmed by twenty-six votes to nineteen.

It appeared, from a report of the Secretary of the Treasury, that the amount in the treasury, on the first of April, 1836, was thirty-one millions eight hundred and ninety-five thousand one hundred and fifty-five dollars, all of which was deposited in the State banks, the aggregate liabilities of which, exclusive of those to the stockholders, are about one hundred and sixty-three

millions, and their means to discharge them are about one hundred and forty-six millions of dollars.

On the thirtieth of June, a message was received from the President, announcing the death of James Madison, on the twenty-eighth instant, in his eighty-sixth year: on which Mr. Rives in the Senate, and Mr. Patton in the House, paid tributes of respect to the eminent virtues, talents, and public services of the deceased; and committees were appointed by both Houses to consider and report by what token of respect and affection it would be proper to express their sensibility on the occasion. Mr. Adams also made a feeling address to the House on the occasion.

The Chairman of the Committee of Ways and Means having asked for the appropriation of a million of dollars for the protection of the Western frontier, and it seeming to be intended especially for the frontier on Texas, it was regarded by Mr. Adams as an indication that the United States meant to take part in the war between Mexico and Texas, and, possessing ourselves of the latter, to re-establish that slavery which had been abolished by the Mexican States. "If," he said, "we were to be drawn into an acknowledgment of the independence of Texas, and if we were, upon their application, to admit Texas to become a part of the United States, the House ought to be informed of it. He was opposed to any such war, or for making any such addition to our territory." He adverted to the fact that American citizens were going from all parts of the country to carry on the war of this Province against the Government of Mexico.

Mr. Peyton, of Tennessee, expressed his surprise at the remarks of Mr. Adams, who, he said, did not know the vivid feeling of Southern and Western men, when they see hostile savages hovering round their villages,

and lying in ambush to murder old and young. He asked, if an imaginary line would be respected when an unmerciful tyrant threatened our frontiers, what respect would he have for that line when pursuing the conquered Texians? All the power granted to our forces was to take up a position on either side of the line, as might be necessary. On our side of the line there might be no proper defence; and it is when we hear that our people are driven from their villages, and when they are caught and butchered, that the member from Massachusetts would stop to ask what the Mexican Minister might think of it. For his own part, he would defend the people instantly, and at every hazard.

Mr. Thompson, of South Carolina, supported the same views as Mr. Peyton: that Mexican officers familiarly spoke of the easy conquest of Louisiana, and that the work could be accomplished by proclaiming the emancipation of the slaves. He replied, with some asperity, to Mr. Adams's remarks on slavery, and asked if he would refuse to afford protection to the frontier because it might lead to an addition to the political power of the slave States. "That gentleman," he said, "had negotiated away Texas, and it was natural he should be disposed to guarantee the peaceable enjoyment of what he had conveyed."

Mr. Adams, after professing himself ready to vote for any amount for the defence of the frontier, on having the requisite information, said that all that he had done in the treaty with Spain had been done by the instruction of Mr. Monroe: that he was the last man of the Cabinet who assented to the treaty with the boundary as now established, and was for including Texas: that, before the treaty was signed, General Jackson was con-

sulted, and he approved of the treaty with the present boundary.

Many other members joined in the debate, and on the question of ordering the bill to a third reading there were one hundred and forty-six yeas to three nays.

In a report from the Secretary of the Navy, in answer to inquiries from the Senate on the sum required for naval defence, he stated that, for the following force, which may be required, the cost would be —

For 15 ships-of-the-line.....	\$8,250,000
“ 25 frigates.....	8,750,000
“ 25 sloops.....	3,115,000
“ 25 steamers.....	5,625,000
“ 25 smaller vessels.....	1,250,000
<hr/>	
Total .....	\$27,000,000
For the proposed materials, as a reserve.....	3,315,000
<hr/>	
Total amount required.....	\$30,315,000

General Scott writes to the War Department from Florida, on the thirtieth of April, that, to end the war, he was persuaded not less than twenty-four hundred foot, and six hundred horse, would be required; and that new regiments would be worth little or nothing in this war.

In the latter part of the preceding year, the Mexican Government, through its Secretary of State, had complained to the Government of the United States of the aid and co-operation the insurgents of Texas had received from the citizens of Louisiana, in provisions, arms, ammunition, money, and even soldiers. It requests that the Government of the United States will employ every measure permitted by its laws for preventing this injury to a friendly nation. To which Mr. Forsyth replied that every measure permitted by our laws for preventing the interference complained of had been employed.

The Mexican Minister at Washington soon after wrote to Mr. Forsyth that he had seen with regret, in the instructions from the Secretary of War to General Gaines, that he had been required, if necessary, to advance with his troops to Nacogdoches, which old fort, says the Secretary, is within the limits of the United States as claimed by this Government.

The Minister knows not on what ground this claim is made, as, according to Mellish's map, Nacogdoches is several miles beyond the Sabine River, and of course far within the indisputable territory of Mexico. He therefore finds himself under the necessity of protesting against this claim, as a violation of the Mexican territory.

Mr. Forsyth stated that the United States had no intention of interfering in the disturbances of their neighbors. Their troops would be employed only in protecting both the Mexicans and the United States. Whether the territory beyond the United States belongs to Mexico or the newly-declared Texian State, is a question into which they do not choose to enter. In a subsequent letter to the Mexican Minister, Mr. Forsyth explains his former assurances that General Gaines will not occupy ground not indisputably within the United States, "except in case of necessity." Such occupation being to perform the duty of the United States to Mexico, is not intended to be the assertion of a right of property or possession. The limits between the two countries are to be ascertained in the mode pointed out by the treaty. It would be useless, and may be mischievous, to discuss them prematurely.

Santa Anna, the President of Mexico, having invaded Texas with a force deemed sufficient to overwhelm them, and having exhibited great cruelty over those who fell



into his power, at length had a general engagement with the Texians, under the command of General Houston, and experienced a total defeat at the River St. Jacinto—the Texians having a far inferior force. Of about fifteen hundred Mexicans, there were six hundred and thirty killed, and nine hundred and thirty-eight wounded and prisoners. The Texian force was seven hundred and eighty-three. General Cos, the second in command, was killed, and Santa Anna, who had fled from the field, was overtaken and captured the next day in a live-oak in which he had concealed himself.

In consequence of his cruelty in having Colonel Fanning and his men, who surrendered at Fort Alamo, shot, it was with great difficulty that the Texian soldiers could be prevented from putting him to death. It required all the authority and address, united, of General Houston to protect him.

A very long report was made in the House of Representatives, by Mr. Pinkney, of South Carolina, Chairman of a select Committee, on the subject of abolishing slavery in the District of Columbia. The Committee say that Congress ought not to interfere, in any way, with slavery in the District of Columbia :—

First. Because it would be a violation of the public faith to the slaveholding States generally, and to Virginia and Maryland in particular.

Secondly. Because it would be unwise and impolitic—first, as to the District itself; and second, as to the States of the Union.

They say, further, that the scheme of general emancipation would be impracticable.

Thirdly. Because it would be dangerous to the nation.

The Committee conclude by offering the following resolutions :—

That Congress possesses no constitutional power to interfere, in any way, with the institution of slavery in any of the States of this Confederacy.

That Congress ought not to interfere, in any way, with slavery in the District of Columbia.

That, to arrest all agitation on the subject, all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action shall be had thereon.

On the first resolution, passed some days afterwards, there were one hundred and eighty-two votes to nine; on the second, there were one hundred and thirty-two votes to forty-five; on the third, there were one hundred and seventeen votes to sixty-eight.

At this session, two new States were admitted into the Union — Arkansas and Michigan; on which occasion the usual jealousy between the slaveholding and non-slaveholding States was manifested, the consequence of which was that they were simultaneously admitted; and thus the equality between the two divisions was continued.

Mr. Clay, from the Committee of Foreign Relations, to whom had been referred resolutions of the Legislature of Connecticut, and various petitions, asking for the recognition of Texas, made a speech showing that the United States had hitherto maintained a strict neutrality between Mexico and Texas; but the recent victory obtained by the latter would probably be followed by the acknowledgement of her independence by Mexico. They conclude by recommending the adoption of a resolution:

“That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory

information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent Power."

The resolution respecting the qualified recognition of the independence of Texas was unanimously adopted in the Senate.

A bill to fix a day for the annual meeting of Congress having passed both Houses—it seeming to have been thought to be exclusively within the powers of the two Houses—the President sent a message to them, saying that, under the Constitution, all bills, resolutions, and votes of Congress required his concurrence, and he considered this to be comprehended. The question having been made in the Senate, the President's views were sustained by twenty-three votes to sixteen—the members voting without regard to party, except that no supporter of the Administration voted against it.

Among the laws passed at this session was one for the regulation of the banks in which the public money was deposited. They were required to make weekly returns of their condition to the Treasury Department, and to pay specie for all claims of the Government when required, under the penalty of being discontinued. They were prohibited from issuing any note under five dollars. No deposit bank was to be discontinued, except for the causes specified in the act: and when the public deposits exceed one-fourth of the capital of the bank for three months, the banks were to pay an interest of two per cent. per annum on the excess.

A favorite measure of policy with the Administration was to encourage the circulation of gold and silver in preference to bank-notes, and all the power and influence of the General Government was put in requisition to

favor it. Hence all the money recovered from foreign Governments for spoliations on American commerce was brought to the country in specie; hence the provisions in the law for the regulation of the deposit banks, requiring them to pay specie; and hence also was an order lately issued from the Treasury Department, to all the land officers, to receive nothing but specie in payment for the public lands after the fifteenth of August, 1836; and the receivers were prohibited from receiving any certificate or drafts, unless it was signed by the Secretary of the Treasury. The object of the President being to repress alleged frauds, and "to withhold any facilities in the power of the Government from the monopoly of the public lands in the hands of speculators and capitalists, to the injury of actual settlers, and of emigrants in search of new homes," as well as to discourage the ruinous extension of bank issues and bank credits.

Congress adjourned, on the fourth day of July, to the first Monday in December.

The war carried on by the Seminoles and Creeks in Florida continued to distress and harass the inhabitants, in spite of all the efforts made by the military force sent thither by the General Government. A large part of that territory is low and swampy, with here and there dry spots, called there hammocks, which the Indians found to be secure retreats, as they were inaccessible to the whites. In the summer season the country was fatal to the whites, but did not affect the negro or the Indian; and their intimate local knowledge of the country, their habit of subsisting on the roots, plants, and fish which the country produced, but which was no resource to the soldiers, gave them an immense advantage, and enabled a small number of them to defy the power of regular forces.

The failure to subdue an enemy so contemptible in numbers created loud complaints in Florida, and more or less of discontent in the nation. The laurels which General Scott had previously acquired, seemed here destined to fade; and the blame which he cast on the raw troops sent to him, and on the volunteers, for wanting patience, as well as military skill, still further increased his unpopularity. To crown all, it was soon known that General Jackson censured his course, and at last, ordering his return to Washington, appointed General Jessup to the command of the army in Florida.

A treaty with Venezuela was published by the President on the twentieth of June, 1836. It was concluded at Carracas on the twentieth of January preceding, and consisted of thirty-four articles. It established entire reciprocity as to impost, and duties; secures advantages to the citizens of each nation, in case of distress; exempts them from embargo without indemnity; secures to them their property, in case of death; recognizes the principle, that free ships make free goods; defines contraband; provides for notice of blockades, for the security of property of residents in case of war, and for the appointment of Consuls. It was, in short, of the same liberal character as the other treaties which had been made with the new American Republics.

The President sent his last annual message to both Houses of Congress on the the fifth of December.

He says that, with Great Britain, the north-eastern boundary still remains unsettled.

With France, Russia, Austria, Prussia, Naples, Sweden, and Denmark, the best understanding exists. With all, except Naples, our commerce is encouraged by liberal treaties. Against Portugal, the Governments of Holland, Belgium, and Brazil, we still have unsettled claims.

Our connections with Spain are on the best footing, with the exception of the burdens imposed on our commerce with her colonies.

The contest between Mexico and Texas is then mentioned, and the termination of the mission from Mexico, in consequence of the discretionary power given to General Gaines to advance into her territory, if necessary to protect our frontier. The departure of this Minister was the more extraordinary, as he was told that the sufficiency of the reasons given by the General for the advance of his troops had been questioned by the President. It is hoped that his Government will take a more just view of the subject. The result of his inquiries into the condition and prospects of Texas will be communicated to them.

Commercial treaties have been formed with Muscat and Siam. We are on friendly terms with the Barbary States and the Ottoman Empire. A treaty has lately been negotiated with Morocco.

The finances continue to be prosperous. The receipts into the treasury will be about forty-seven millions for the year — those from lands being twenty-four millions. The expenditures for all objects are not expected to exceed twenty-three millions, which will leave a balance in the treasury of upwards of forty-one millions. This, with the exception of five millions, will be transferred to the several States.

He says that distribution has been often misapprehended as a gift of the money to the several States, notwithstanding the express provisions of the deposit act, which requires the States to return the money when required.

The experience of other nations admonishes us to extinguish the public debt; but it would be to little pur-

pose, if we do not guard against an unnecessary accumulation of public revenue: and no people can hope to perpetuate their liberties who long continue a policy which taxes them for objects not essential to their wants.

He speaks of the lurking danger of a surplus revenue beyond the wants of the Government, which must be either retained in the treasury, or distributed among the people of the several States. In conclusion, he says the worst consequences may be seen from the effects already produced. The money has been deposited in banks, which, using it for loans, it has multiplied bank charters, and has had the effect of producing a wild spirit of speculation.

The same remark applies to the influence arising from the collection of the revenue. About three-fifths of the imposts are paid in the city of New York, which is drawn from all the States, but is exclusively employed in banking there. He points out other disadvantages, in causing fluctuations of price and speculation, and in being unjustly distributed, and not according to the ratio of representation.

He then descants on the currency, and considers that the Constitution looked to one of gold and silver, to the exclusion of paper, the mischiefs of which experience had shown. But the purposes of the Constitution were evaded by the establishment of a bank, which was to issue paper on the credit of Government stocks — and thus the bank became a substitute for the mint.

Though we cannot abrogate this system, we ought to do what we can to prevent its extension. He was thus induced to oppose the renewal of the bank charter; and he looks to the furtherance of the same end by the prohibition of small notes in several States, and which he

hopes will be extended to notes of a higher denomination.

He then refers to his requisition of specie in payment for the public lands, which he said had strengthened the Western banks, prevented a monopoly of those lands, has saved the new States from a non-resident proprietorship, and kept the lands open for emigrants, at Government prices. He further suggests that Congress should prohibit sales of land, except to actual settlers, and limit the quantity which shall be sold even to them.

The deposit banks, he says, continue to realize the expectations formed of them as fiscal agents. They also do more business in exchanges, and for the public. The amount of the public money transferred by the Bank of the United States was sixteen millions; and the amount transferred this year, to the sixth of November last, by the deposit banks, was upwards of forty-four millions, and the ratio generally, below those charged by the Bank of the United States. They have also imported large amounts of specie.

He again adverts to the failure of the Bank of the United States to pay the Government stock, and to its delay in winding up its concerns, as its charter required; to its reissuing its old notes under its new charter, which he pronounces illegal, and a fraud upon the Government: and he submits to Congress whether further legislation is not necessary, to correct these abuses.

He refers to the war with the Seminoles, and to the course which the Government had taken; and, though he had been much disappointed in the result, he had hopes that these Indians would soon be brought to subjection.

Late events have shown, he says, the necessity of increasing the regular army, and the defects of the militia



system. He speaks of what had been done in fortifying the seaboard, and he recommends an increase of the engineer corps, both military and topographical.

He regards the policy of removing the Indians to the west of the Mississippi, as consummated by the late treaty with the Cherokees.

The creation of additional military posts in the Indian country is strongly urged.

The notice of the navy is nearly the same as last year. Favorable mention is made of the Post-office Department.

After some further recommendations of less importance, he concludes with an expression of his grateful sense of the public favor, and with the increased confidence which his experience has given in the stability of our institutions.

In the report of the Secretary of the Treasury, accompanying the President's message, he estimates the quantity of gold in the country, in consequence of the new valuation of the coin, and the policy of the Government in ordering the foreign indemnities in gold, to be not less than fifteen millions; that the whole specie in the country, in October, 1833, when the public deposits were removed, did not probably exceed thirty millions, while now the whole amount probably exceeds seventy-three millions—forty-five millions in banks, and twenty-eight in active circulation. The quantity of paper now in circulation he estimates at one hundred and twenty millions, making it about ten dollars to each person, in paper and specie.

In the House of Representatives, Mr. Wise, of Virginia, on the twelfth of December, offered a resolution to refer so much of the President's message as relates to the condition of the Executive Departments, and the ability

and integrity with which they have been discharged, to a select committee of nine members, with power to send for persons and papers. He made a speech in support of his resolution, in which he animadverted with severity on some of those Departments, and on a portion of the President's friends, in offering base bribes to members of Congress, through public appointments; to his wasteful expenditures; and to his usurpation of royal prerogatives. He said that the President had been too sick to write the message, or dictate it: and that the compliment to the ability and integrity of the Departments was gratuitous and unfounded. The resolution was agreed to by eighty-six votes to seventy-eight.

A message was received from the President to both Houses, on the twenty-second of December, concerning Texas. He transmits the report of the agent employed to procure information of the condition, political and military, of Texas; and, after adverting to our uniform policy of not interfering in the disputes of foreign nations, and our hesitation to recognize the new States until they had shown they were able to sustain themselves, he thinks that prudence dictates to us to pursue the same course towards Texas, especially, as, from the relations between this country and Texas, we may be suspected of seeking to establish the claims of our neighbors to a territory, with a view to its acquisition by the United States.

Mr. Benton's expunging resolutions passed the Senate on the sixteenth of January, 1837, by twenty-four votes to nineteen.

Mr. Cambreling, from the Committee of Ways and Means, made a report to the House, on the eleventh of January, 1837, on that part of the President's message which recommended a reduction of the revenue.

After presenting arguments in support of the President's views, and against the policy of laying duties for the protection of Manufactures, the Committee proceed to notice all the great branches of manufacture in the United States, to show that these duties were unavailing or injurious, they conclude with recommending a reduction of the duties to the wants of the Government.

The President of Mexico, Santa Anna, who had been made prisoner in Texas, was permitted by General Houston to leave Texas, and he proceeded to Washington, whence he returned to Mexico through Vera Cruz.

A memorial was presented to Congress from the Board of Trade of the city of New York, inviting the attention of Congress to the subject of the currency and exchanges of the United States, in consequence of the transfer of this business from the Bank of the United States to the deposit banks; and they therefore do not hesitate to take upon themselves to recommend to Congress the re-establishment of a National Bank. They exhibit a table of the prices of exchange in the principal cities of the Union in 1829 and 1836; by which comparison it appears that the rates of exchange were greatly lower at the former than at the latter period: which statement is directly at variance with that made by the President in his last message. The report was unanimously adopted on the fourth of January, 1837.

A bill to reduce the revenue was introduced into the Senate by Mr. Wright, of New York, in conformity with General Jackson's views, by which the list of free articles was greatly extended.

The Investigating Committee, as it was called, passed a resolution calling upon the President or the Heads of Departments to furnish the Committee with all the officers or agents who have been employed or paid

since the fourth of March, 1829, whose names are not contained in the "blue-book," and without nomination to, or by the advice and consent of the Senate; also the money paid for contingencies; also the list of those who have received salaries or pay without being in office; and some others of less moment. To this resolution, the President sent his reply on the twenty-sixth of January, 1837. He objects to their course, as requiring the officers of the Administration to accuse themselves. The Committee are called upon to make more specific charges. He regards their course as illegal and unconstitutional; and if they bring no specific charges, they must be regarded by the people as the authors of unfounded calumnies.

On the eighth of February, on counting the votes given in the election of President and Vice-President, it appeared that Martin Van Buren had received one hundred and sixty-seven of two hundred and one votes, as President, and consequently was elected; William H. Harrison, of Ohio, received seventy-seven votes; Hugh White, twenty-six votes; Daniel Webster, fourteen; and Willie P. Mangum, eleven votes.

For Vice-President, Richard M. Johnson received one hundred and forty-four votes; Frances Granger, seventy-seven votes; John Tyler, forty-seven votes; and William Smith, twenty-three votes.

Mr. Adams presented a petition from slaves; but he remarked that, before he presented it, he wished to have the decision of the House. He then mentioned that it was from twenty-two persons calling themselves slaves. The paper was then sent to the Chair. This paper gave rise to much discussion, as to the course to be pursued respecting it: during the progress of the irregular debate, Mr. Thompson, of South Carolina, offered a resolution,

which he supported by a speech, that the member from Massachusetts, by the attempt just made by him to introduce a petition purporting to be from slaves, "has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker." Some modifications of this resolution were then proposed, and, among others, by Mr. Thompson himself; but before any vote was taken, the House adjourned.

Mr. Adams took occasion to deny that he had presented the petition, but had made inquiry of the Speaker concerning it: that he had always been opposed to the abolition of slavery in the District, and had always maintained the right of petition.

The next day — the seventh of February — the discussion was renewed, and other modifications of the resolution to censure Mr. Adams were proposed; but an amendment was offered by Mr. Patton, of Virginia, which was also modified as follows: —

First. Resolved, That any member who shall hereafter present any petition from the slaves of this Union, ought to be considered as regardless of the feelings of the House, the rights of the Southern States, and unfriendly to the Union: which was rejected by one hundred and five votes to ninety-two.

Second. That the Hon. John Quincy Adams having solemnly disclaimed all design of doing any thing disrespectful to the House, in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented, therefore all further proceedings in regard to his conduct do now cease. It also was rejected

by one hundred and eighty-seven votes to twenty-one — Mr. Adams was excused from voting.

Two days later, a reconsideration of this subject was proposed, and carried by one hundred and fifty-nine votes to forty-five; and, after various propositions, and much debate, the following preamble and resolution were adopted: —

“An inquiry having been made by an honorable gentleman from Massachusetts, whether a paper which he held in his hand, purporting to be a petition from certain slaves, and declaring themselves to be slaves, came within the order of the House of the eighteenth of January, and the said paper not having been received by the Speaker, he stated that, in a case so extraordinary and novel, he would take the advice and counsel of the House.

“Resolved, That this House cannot receive the said petition without disregarding its own dignity, the rights of a large class of citizens of the South and West, and the Constitution of the United States.”

The preamble was carried by one hundred and sixty votes to thirty-five, and the resolution by one hundred and sixty-two votes to eighteen.

Mr. Wise, on the same day, from the Investigating Committee, stated that Reuben M. Whitney, who had been summoned as a witness before the Committee, having by letter informed the Committee of his peremptory refusal to attend, it becomes the duty of the Committee to make the House acquainted with the fact: therefore —

Resolved, That the Chairman be directed to report the letter of Reuben M. Whitney to the House, and that such order may be taken as the dignity and character of the House may require.

Whitney's letter was read, and resolutions were then offered that Reuben M. Whitney, by his refusal to answer, and his letter, had been guilty of a contempt to the House, and that he be taken into custody of the Sergeant-at-arms, to answer for an alleged contempt. It was adopted by one hundred votes to eighty-five.

The next day Whitney, in the custody of the Sergeant-at-arms, was furnished with a copy of the report of the Committee; and, on the next day—the thirteenth of February—having been brought to the bar, he was told that he was required to answer for his contempt: on which he read a paper, wherein he disclaimed all intension of disrespect. He had refused to attend, because, first, the process upon him was illegal; and second, he believed he should thereby expose himself to outrage and violence. Whitney being discharged, a committee of five was appointed to inquire into the facts alleged by him, of his being personally threatened and insulted by some of the members of the Committee. Witnesses were afterwards examined by the House on behalf of Whitney, who was present with his counsel.

A court of inquiry against Generals Scott and Gaines, as to the causes of delay in opening and prosecuting the campaign in Georgia and Alabama, against the hostile Creek Indians, in the year 1836, having examined the case of General Scott, and entirely acquitted him of all blame, and at the same time having censured General Jessup, on whose private representations General Scott was recalled from the command, the President, in his review of the proceedings of the court of inquiry, disapproves of the opinion of the court, because it is not accompanied by a report of the *facts* of the case, as the order constituting the court required, so as to enable the President to judge of the correctness of their conclusions;

because the opinion is argumentative, and wanting in precision; and because the opinion of the court respecting General Jessup was wholly unauthorised, and not submitted to the court. The President therefore sends back to the court its proceedings, that the inquiry may be resumed.

In consequence of the Mexican Minister's abrupt departure from the United States, on the ground of the conditional order to General Gaines to advance his troops beyond the frontier of the United States, Mr. Ellis, the Minister from the United States to Mexico, received full instructions from the Administration to give the requisite explanations, and at the same time to exhibit the numerous causes of complaint which had been given by Mexico to the United States, in illegal seizures of vessels, in outrages and indignities against the American Consuls, and on other occasions.<sup>1</sup>

A memorial was presented by Mr. Clay, from a large number of American authors, upon the subject of the laws of copyright, and asking that their benefits should be extended to foreign authors. The memorial was laid on the table, and ordered to be printed. A similar memorial was presented from the University of Virginia, by Mr. Rives.

It was moved that the Joint Committee on the Library be authorised to contract for the manuscripts of the late Mr. Madison, referred to in a letter from Mrs. Madison to the President, dated the fifteenth of November, 1836, and communicated by him to Congress, by paying for those manuscripts the sum of thirty thousand dollars; conceding to Mrs. Madison the right to use copies of those manuscripts in foreign countries.

<sup>1</sup> Niles's Register, Vol. L., page 409.



A long debate took place on this resolution, and it was finally carried by thirty-two votes to fourteen.

On Mr. Wright's bill for the reduction of the revenue, on a vote on what was understood to be a test question, there appeared to be twenty in favor of the bill, to twenty-four in favor of adhering to the compromise.

A resolution, moved by Mr. Walker, of Mississippi, to acknowledge the independence of Texas, was adopted in the Senate, on the first of March, 1837, by twenty-three votes to nineteen. The recognition was virtually made in the House the day before.

On the same day, Mr. Garland, of Virginia, in behalf of a select Committee appointed to make inquiry concerning a special agent said to have been appointed by the deposit banks, to reside at the seat of Government, made a report.

The Committee speak of the difficulties encountered in the discharge of their duties — first, from the protest of Reuben M. Whitney, one of the witnesses summoned before them, against the requirement of the Committee; and, secondly, what grew out of the propriety and effect of many interrogatories concerning purely private transactions and private reputation.

After a detail of the principal acts of the Committee, they conclude with offering several resolutions, which stated that, in the opinion of the Committee, neither all the banks, nor any of them, have employed an agent to transact their business at the seat of Government with the Treasury Department: that no such agent has been employed by that Department: that the business of the banks with the Treasury is conducted directly with the Secretary, or some other officer: that no agent, since the removal of the deposits, has received any compensation: and that several of the banks have employed an agent

to reside at Washington, for the purpose of transmitting information affecting the interests of the banks: that agent is Reuben M. Whitney, who receives from those banks such salary as they think his services worth.

One of the majority of the Committee — Mr. Johnson — dissented from the rest as to a part of the resolutions, and considered that Whitney had been employed as an agent to transact business with the Treasury Department, and had been recommended for that employment by Mr. Woodbury.

But a minority of the Committee, consisting of three members, made a counter-report, in which was stated in detail the several questions that Reuben M. Whitney refused to answer; the number of deposit banks, about twenty, for which he was agent: that he was considered to have been recommended for that office by Mr. Woodbury: and much of his correspondence with the banks who employed him is given. They urge that "the law contemplates a known responsible agent, to be placed as a guard over the public money in the deposit banks: the present is a secret, illegitimate, irresponsible agent, placed by the banks as a spy over the Treasury Department, with an interest adverse to that of the public." According to the scheme proposed by Whitney, the Treasury Department was to be assimilated to the Bank of the United States, while the deposit banks were to be viewed in the light of branches of the mother bank (the Treasury); and Mr. Whitney, at the head of his bureau, was to represent a committee of the Directors, called "the committee on the branches." Mr. Taney refused to accede to the plan, but Mr. Whitney met with better success under Mr. Woodbury, and "accomplished his object in an indirect manner."

A long address was issued by Reuben M. Whit-

ney to the citizens of the United States, in which he vindicates himself from the charges made against him in the reports of the investigating Committee of the Bank in 1831 and 1832, for his testimony against the Bank; and also against the charges lately brought against him by the minority of the Committee on the deposit banks. He again makes the statement, with the appearance of truth, that money was occasionally drawn from the Bank, and stocks put in its place and regarded as cash: that Mr. T. Biddle drew, on the twenty-fifth of May, 1824, forty-five thousand dollars in this way; and, on the twenty-sixth, twenty-four thousand dollars more; and he supposes it was without payment of interest, though the Cashier states that, when such money was returned, interest was paid. He mentioned two other occasions in which money was drawn from the Bank by the Messrs. Biddle, on a discount, granted by the President of the Bank.

It seemed that a majority of the House voted for his discharge from the custody of the Sergeant-at-arms, and thus gave their sanction to his refusal to answer the interrogatories of the Investigating Committee.

On the last day of the session, Mr. Wise, from the select Committee on the administration of the Executive Departments, made an elaborate report of their proceedings, and a majority of them recommended the adoption of a resolution:—

That, so far as has come to the knowledge of the Committee, from the results of this investigation, the condition of the various Executive Departments is prosperous, and that they have been conducted with ability and integrity: that the President has aimed to enforce, in all of them, a vigilant and faithful discharge of the public business: and that there is no just cause of complaint,

from any quarter, as to the manner in which they have fulfilled the objects of their creation.

The minority of the Committee, dissenting from the report, offer their reasons for thus dissenting : —

First. Because the construction put by a majority of the Committee upon the resolution of the House has so narrowed the scope of inquiry, as to suppress the investigation which was the object of the mover of the resolution.

Second. Because the Committee having, by various resolutions, sought from the President and the Heads of Departments, information as to the condition and management of those Departments, which resolutions were answered by a most extraordinary communication addressed by the President to the Chairman, declining to furnish the information asked for, and deemed indispensable to the execution of their duties.

Third. Because many of the documents required have not been obtained from the Departments, and, for want of which, the truth or falsehood of many important allegations cannot be ascertained.

Fourth. Because, by the decision of a majority of the Committee, much testimony which the undersigned deemed material has been excluded, so as to prevent the Committee from pronouncing a correct judgment.

Fifth. Because, from want of time, on many of the subjects referred to the Committee, their investigation has been incomplete and imperfect.

Sixth. Because the report of the majority expresses opinions upon partial and imperfect investigation.

Seventh. Because the report of the Committee expresses judgments and opinions as the result of conviction upon full investigation, instead of submitting only the journal of the proceedings of the Committee.

The minority report was signed by three of the seven members, with some exception by Mr. Wise, who assigned his separate reasons for dissenting from the majority.

After referring to the proceedings of the Committee, their several votes on the questions propounded, and their adoption of sundry resolutions, Mr. Wise states that he transmitted in January, as Chairman of the Committee, two of the resolutions to the President, which requested him to inform them of all officers or agents who had been appointed since the fourth of March, 1829, with the sums paid to each; and that the various Executive officers "furnish a statement of the period at which any innovations not authorised by law (if such exist) had their origin; their causes, and the necessity which has required their continuance."

To this letter the President replied, that the resolutions they had passed were "not to answer any specific charges; not to explain any alleged abuse; not to give information as to any particular transaction; but, assuming that they have been guilty of the charges alleged, calls upon them to furnish evidence against themselves."

That, even in their charges, they are not specific, but resort to "vague generalities." He adds, that the Heads of Departments may answer as they please, provided they do not withdraw their time, and that of the officers under them, from the public business; but for himself, he should repel all such invasions of justice and of the the Constitution. He feels it his duty to resist them as he would "the establishment of a Spanish inquisition."

He tells the Committee that, if they will testify that they believe there has been any corruption, and will point to any case in which there is the slightest reason to suspect it, the offices of all the Departments shall be thrown open to them; but if they make no specific

charges, or if, when made, they attempt to make free-men their own accusers, he shall not countenance their proceedings; and the public servants whom they have assailed will, in the eyes of all honorable men, stand fully acquitted.

He concludes with expressing his astonishment that that information should be asked as to the persons to whom contingent moneys are paid, when there are six standing Committees of the House, whose duties are to examine into all the details of those expenditures.

This letter was severely criticised by Mr. Wise, and all its grounds were examined and answered, as being utterly inconsistent with the right of inquiry, which is auxiliary to the right of impeachment.

The Heads of Departments—Mr. Forsyth, Mr. Woodbury, Mr. Dickerson, and Mr. Kendall—all took similar grounds as to their not being obliged to accuse themselves, though they denied the charges in a general way.<sup>1</sup>

On the third of March terminated the Administration of Andrew Jackson, about the merits of which the minds of men, always divided in their judgments of the acts of his predecessors, differed more widely perhaps than at any time before. While nearly one-half of the nation regarded him as violent, vindictive, and tyrannical, disposed to make every thing bend to his will, and, by way of obtaining the popularity and power necessary to effect his purpose, always ready to flatter the passions and prejudices of the multitude: the other, and apparently the larger half, regarded him as a high-minded patriot, feeling for his country's honor as his own, and fearlessly asserting the principles which the spirit of liberty and

<sup>1</sup> See the Report in the Register of Debates, Vol. XIII., Part II., Appendix, page 189.

republicanism maintained, at whatever cost, and whomsoever it might offend. He was considered, by his warmest admirers, to be, in integrity and love of country, the equal of Washington, and, in energy and sagacity, his superior.

Somewhat of the same diversity exists even in the present time, nor is it easy for any one to make a delineation of his character exempt from exaggerated praise, or extravagant censure, without running the risk of being condemned by all.

One thing is certain—he was engaged in more controversies of a personal character than any other President had been. He quarrelled with his first Cabinet, because their families would not visit Mrs. Eaton: he quarrelled with the United States Bank, and with Mr. Biddle in particular: he quarrelled with France, and, if he had not been opposed, would have gone to war with that nation: he quarrelled with Mr. Duane, because he would not remove the deposits: he quarrelled with Scott and Gaines, because they had been unsuccessful in the war against the Indians: he quarrelled with Mr. Calhoun, because he had once censured him, though he had afterwards made amends by the most efficient services: he quarrelled with the Senate, because they thwarted him in some of his favorite measures: he quarrelled with Judge White, because he suffered himself to be brought forward as a candidate for the Presidency, in opposition to Mr. Van Buren: in short, from the beginning to the end of the Administration, he was in a state of warfare with some man or body of men, and not seldom with two or more parties at once. If he was warm and constant in his resentments, he was equally so in his friendships; and some of his most violent controversies had their origin in his zeal for his

friends; and their approbation and applause more than compensated him for all the obloquy of his opponents.

On the fourth of March he was succeeded by one who was, in many respects, totally dissimilar; and the friendship which seemed to exist between them may be regarded as one of those instances which prove that ungeniality of character is not necessary to mutual affection, if, indeed, the intimacy between them was any thing more than that kindness of feeling which will be produced in all men by a concurrence of views and purposes. These men had entirely different principles of action. General Jackson's strong will, vehement passions, and fearlessness were always provoking enmity; and a state of war not only suited his taste, but he took pleasure in proclaiming it to his foe, and to all the world. Mr. Van Buren never made an enemy, if he could avoid it, except by incurring some worse evil. It seemed to give him more pleasure to effect his purposes by policy rather than by any direct exertion of power. General Jackson, on the other hand, loving power and the credit of it, sought to accomplish his ends by his own energies. It must not, however, be supposed that he was incapable of policy. Far from it. On fit occasions, he too could dissemble; but even then, knowing by experience the effect of intimidation, he would often affect a vehemence which he did not feel, and try to awe rather than persuade. Being thus violent from policy as well as temper, he had not that character with the world for the prudence and self-command which he really possessed.

Let us now take a survey of the acts of Jackson's administration, and of their influence on the affairs of the Republic, both at home and abroad.

In its foreign relations, its principal measures were, that it restored the direct trade between the United



States and the British West Indies, which had been for many years a subject of controversy, until it was wholly interdicted by both nations. It brought the claims against the Governments of France, Denmark, Naples, Portugal, and some other countries, to a successful termination: it perfected a commercial treaty with Turkey: it prevented the renewal of the charter of the United States Bank: it removed the Government deposits, against the wishes of most of its friends, and of all its opponents: it discharged the public debt: it relieved several of the States from the annoyance of their Indian population: it largely increased the metallic currency of the country, both by causing the money received from foreign Governments to be remitted in gold and silver, and by requiring all dues to the Government to be paid in specie: it prevented a distribution of the proceeds of the public lands, and appropriations to a class of public improvements which had previously received them. These several acts have furnished a theme of unbounded eulogy with one party, and one-half of them of scarcely inferior reprobation with the other.

But, whatever we may think of General Jackson's motives for making war on the Bank, for defeating Mr. Clay's land bill, or negating appropriations to certain public improvements, or however we may be disposed to admire his firmness and constancy of purpose in carrying out his measures, whether we approve or condemn his motives, we must regard all his attempts to benefit the currency, the commerce, or the finances of the country, as singularly unfortunate.

The country had often felt the inconvenience of an excess of paper currency and a deficiency of coin; and he would have been a public benefactor who would have devised a scheme for affording the benefit of both species of

circulation. But the plan adopted by General Jackson and his advisers, of furnishing an adequate supply of specie, aggravated the very evil it aimed to remedy. The money recovered from foreign Governments was, as we have seen, remitted in specie, by way of increasing the metallic currency: but being, of course, deposited in the banks for safe keeping, it then became, like other deposits, the foundation for further issues of paper, and thus afforded the motive and the means of an inordinate spirit of speculation; so that the sales of the public lands, which had previously been about two or three millions a year, now mounted up to twenty millions.

The Government in vain attempted to lessen this mischief, by requiring the land offices to receive only specie. This produced a temporary inconvenience to the speculators, which was soon evaded or overcome, and the sales were not materially diminished. Had not the Government interfered with the remittances to the United States, but left them to the ordinary course of trade, there would not have been that redundancy of paper, nor the indebtedness to the banks, and the wild spirit of speculation which was thus engendered.

The adjustment of the West India trade would have merited unqualified praise if the Administration had not sought to conciliate the British Government at the expense of the preceding Administration, and if it had really secured that reciprocity which was its due, and which it thought it had obtained. But discriminating duties subsequently laid, in the West Indies, on American vessels, from which British vessels were exempt, secured to the latter three-fourths of the trade, leaving to the United States only one-fourth of the direct trade, instead of the whole of the circuitous trade which they had previously enjoyed.

The manner in which a considerable portion of the public debt was discharged is equally indefensible. A little more than thirteen millions of that debt paid an interest of but three per cent., or not quite four hundred thousand dollars a year; and, supposing money to be worth six per cent., this part of the debt was worth but fifty dollars in the hundred, or about six and a half millions in all. But nearly all of it having found its way to England and Holland, where interest is low, it commonly sold at sixty dollars in the hundred, making the whole worth something less than eight millions of dollars. The holders, however, finding the American President bent on adding the total discharge of the debt to his other acts of patriotic achievement, profited by the circumstance, and refused to sell at a less price than par, the only terms on which the United States could compel a redemption; and, at this exorbitant rate, the whole of the three per cents., amounting to thirteen millions two hundred and ninety-six thousand dollars, were redeemed in 1832. By this financial operation, the United States may be said to have gratuitously transferred to its foreign creditors more than five millions of dollars. But when it is recollected that, in the course of a very few years from that date, there were few States in the Union which would not gladly have borrowed money at seven per cent.—some, indeed, actually gave more—and that the market rate of interest to the community exceeds seven per cent., the annihilation of the national capital, by this financial measure, may be estimated at from six to seven millions. So reckless and wasteful a redemption of public debt was probably never made.

Lastly, when it is recollected that the invincible hostility of General Jackson to the Bank of the United States, in opposition to the opinions and wishes of many

of his warmest political and personal friends, caused that notable project of converting that Bank into a Bank of Pennsylvania, the Administration must be regarded as responsible for the wide-spread ruin to thousands, which was the natural consequence of that anomalous absurdity in banking and legislation. And although the political consequences of putting down the Bank, as to Executive influence, may be deemed by some a fair set-off to the individual losses by the Bank, heavy as they were, yet it must be remembered that this remote consequence was neither foreseen nor wished by the Administration: so that, whatever may have been the views and purposes of General Jackson (the patriotism of which is still matter of controversy), the result of every measure by which he professed to ameliorate the country proved abortive, and aggravated the mischief it sought to prevent.

It is proper to mention that one of the prevalent accusations against General Jackson was, that, in some of his favorite measures, he followed the suggestions of certain irresponsible counsellors, who had his ear and confidence, rather than of his regular Cabinet. This fact has been, as yet, attested only by his political opponents; but, whether it be well or ill-founded, the charge affords an argument against elevating any one to the Presidential chair who is not generally believed to have been conversant with questions of statesmanship.

On retiring from public life, General Jackson, following the example of Washington, thought proper to publish a farewell address to his fellow-citizens, with some sound views, well expressed. The "iniquities of the paper system" occupy a space far beyond their national importance. It was dated on the same day as the inaugural address of his successor.

## CHAPTER XXX.

### VAN BUREN'S ADMINISTRATION.

1837—1839.

MR. Van Buren took the official oath of President on the fourth of March, 1837, in the presence of General Jackson, both Houses of Congress, the diplomatic corps in Washington, and a goodly number of citizens, mostly Democrats, drawn there from a distance to witness the continued triumph of their party.

The new President, according to the example of his "illustrious predecessors," said that he should state the principles which would guide him in the discharge of his public trust. He adverted to the fact that he was the first Chief Magistrate who was born since the Revolution, and that he could not, therefore, expect from his countrymen to weigh his acts with the same partiality as theirs. He was emboldened, however, to undertake the hazardous duty from the generous aid of those who were associated with him, and from the present prosperous condition of the country.

He enlarges upon the duty of our citizens to uphold those political institutions which have been so wisely adapted to our circumstances by those who framed them. He adverts to the signal success of their great experiment, and says that the continuance of our institutions depends on ourselves. Every unfavorable prediction concerning them has been completely falsified. Some of

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these sinister auguries he mentions, to contrast them with the reality — as that the people would not be willing to submit to the necessary taxation: that the weight of General Washington's character was necessary to keep us together: that the people were incompetent to the functions of self-government: that our institutions were not suited to a state of war, however necessary: that we were threatened with serious danger from the extension of our territory, the multiplication of States, and the increase of population — all of which predictions have proved unfounded.

There have, indeed, been difficulties in balancing the Federal and State authorities in our complex system, yet the ultimate effect of occasional collisions has been to strengthen all our institutions.

But the most prominent source of discord is to be found in domestic slavery. He then referred to his own course on this subject, and his declaration, that he “must go into the Presidential chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with a determination, equally decided, to resist the slightest interference with it in the States where it exists.” He has cause to believe that his fellow-citizens approved his course, and the reasons he assigned for it. He adds that, if the agitation of this question was expected to impair the stability of our institutions, enough has occurred to show that the fears of the timid, and the hopes of the wicked, are destined to be disappointed.

He then exults in this bright retrospect of our condition. He avows his determination to adhere to the Constitution, and to those principles of policy which he fully made known before his election.

In our foreign relations, he should pursue the same course of non-interference as his predecessors. He had no expectation of performing the duties of the trust confided to him, with the ability and success of his "illustrious predecessor;" but, from the relations on which he stood to that predecessor, he might hope that somewhat of the same cheering approbation would attend upon his own path.

The Cabinet of the new Administration was little changed from that of the preceding. Mr. Forsyth continued Secretary of State; Mr. Woodbury, of the Treasury; Mr. Dickerson, of the Navy; Mr. Kendall was Postmaster-general; Mr. Butler, Attorney-general; and Mr. Poinsett, of South Carolina, was appointed Secretary of War.

It soon appeared that Mr. Van Buren's administration was not to have as prosperous a course as his predecessor's; and a storm suddenly arose to assail it, which proved to be as violent as it had been unexpected.

A growing scarcity of money had been complained of in the cities, and the deficiency being mainly attributed to the Treasury circular which prohibited the land offices from receiving any thing but specie, had consequently caused a great flow of gold and silver to the West. The repeal of the specie circular had been anxiously desired. In the early part of April, the difficulties from the want of money had augmented in every city in the Union; and, in New York, there were strong indications that a crisis was at hand. It was as recently as the twelfth of January, that Mr. Benton, in his speech on the expunging resolutions, had said, "I know that a revulsion in the paper system is inevitable; but I know, also, that these SEVENTY-FIVE MILLIONS OF GOLD AND SILVER are the bulwark of the country, and will enable every *honest*

bank to meet its liabilities, and every *prudent* citizen to take care of himself:" yet, in the short space of four months, every bank in the United States south of Boston, whatever was its character or resources, found itself compelled to stop payment.

Before, however, the crisis had reached this point, the merchants of New York, confiding in the large capital and credit of the Bank of the United States, applied to it for its interposition to prevent the shipment of coin by the sale of its bills on London, and by the issue of post-notes, or of bonds, payable in London, Paris, and Amsterdam, at some distant day.

Mr. Biddle was then instructed by the Directors of the Bank to proceed to New York, and ascertain the mode in which the Bank could be useful. An arrangement was soon made, by which immediate relief was afforded to the commercial community. The plan was, for the United States Bank to issue its bonds, payable in London, on nine and twelve months, to the amount of five millions of dollars, and to remit specie to the amount of one million. These bonds were lent to the New York merchants. The Bank also issued post-notes, payable in Philadelphia at a distant day.

This temporary expedient excited unbounded gratitude at the time; and as the bonds on the bank commanded a premium in the market, the arrangement also appeared to be a very advantageous one to the Bank. It probably, in the end, contributed to increase the difficulties both of that institution and the community.

The relief to the mercantile class was but temporary: failures soon became frequent in New York, as well as in the other cities; and, as early as May, all the banks in that city, Philadelphia, and Baltimore, decided on suspending specie payments. Before this took place, a depu-



tation of the merchants from New York had proceeded to Washington, to endeavor to obtain a repeal of the specie circular; but the President decided that it could not be revoked. He said he should call an extra session of Congress, to whom the subject would be referred. He accordingly summoned it to meet on the first Monday of September, by his proclamation, dated the fifteenth of May, 1837.

Some of the State Executives followed this example. The Legislature of Virginia was convened on the twelfth of June. As the deposit banks had also suspended, and the law made all receipts at the Treasury payable in specie, the public debtors sometimes had to pay a heavy premium for gold and silver. But the Treasury continued to make its payments by drafts on deposit banks, which the Secretary hoped would make payment in money satisfactory to the holders; but if payment was not so made, such drafts were receivable for duties at the custom-house, and in payment of the public lands. The Postmaster-general wrote a circular to all the postmasters to receive nothing but specie at their several offices; and that any bank refusing to redeem its notes in specie should cease to be a national repository.

The cause of this pecuniary distress, and the consequent suspension of cash payments, was not fairly attributable to the specie circular, but must have occurred, though somewhat later, if that order had never been made. It grew out of the excessive issues of the banks, and the wild spirit of speculation which had thereupon ensued. The banks having their means of lending increased by the deposits of the Government, and by the influx of specie which the Government had done all it could to increase, borrowers soon appeared, sufficient to absorb all the addition that was thus made to the cur-

rency. But the money thus borrowed from the banks was soon vested in more lands, which, again returned to the banks, afforded occasion for new loans. In this way the indebtedness of the country was constantly augmenting, by reason of which, although there was more money in circulation than had ever been before, and the excess had raised the prices of all property which depended exclusively on the home market, higher than it ever was before, yet there was also an unusual demand for money — so that the high market rate of interest in the cities was constantly attracting money from the country, to be vested in loans. Another consequence of the extensive loans made by the banks was, that there was a great increase in the expensiveness of living, and of the consumption of foreign luxuries, which brought the country in debt to other countries, and consequently caused an export of specie, by which the banks were compelled either to lessen their circulation, by calling in part of their loans, or to refuse to redeem their notes in specie. They deemed the last expedient the most advisable. The country was in that anomalous condition, of suffering at one and the same time the inconveniences of a deficient and a redundant circulation: of redundancy, from the great excess of paper circulation, which was the general currency of the country; and a deficiency of metallic currency, the only money which the Government would receive, at the time when it was a creditor to an unprecedented amount.

The evils caused by the suspension of the banks induced many of the former supporters of the Administration to doubt the wisdom of its contest with the Bank; but, on the other hand, the popular admiration for General Jackson was rather increased than lessened by that event, for they looked upon it as the consequence of his

no longer being at the helm of state; and they remarked that all had gone on well, as long as he was President; but he had scarcely been out of power two months, before the whole country was thrown into a state of general confusion and distress.

In consequence of the general suspension of cash payments by the banks, at the time when the Government had done all that it could to discourage the system of paper currency, and had required all moneys due to it to be paid in gold and silver, the embarrassments of the mercantile community were very great, and were rapidly increasing.<sup>1</sup> Under these difficulties, the merchants of New York applied to the President, asking forbearance to bring suit on their bonds to the custom-house.

The Secretary of the Treasury stated, in answer to this application, that the indulgence asked was beyond the power of the Executive: that where indulgence had been given, it had been only after suit was brought. He details the practical difficulties in the way of any long forbearance on the part of the Government; and he adds:—

“This Department cannot close the present communication without requesting you to assure the individuals connected with the great commerce of your port, of the deep sympathy felt here on account of its embarrassments; of the willingness cherished at this time, as on former occasions, to extend to it every species of relief and indulgence in the power of the Treasury, consistent with the laws.”

While the mercantile community was thus heavily

<sup>1</sup> See Mr. Webster's speech in New York, giving a history of the war made by the Administration on the banks, and the fulfilment of the disastrous consequences which he had predicted. This speech was delivered March 15th, 1837. See LII. Niles's Register, page 150.

pressed by their obligations to pay specie to the Government, and the difficulty of procuring it, strong efforts were made to support the former policy of the Administration; and large meetings were held in New York and Philadelphia, in which the wisdom of that policy was firmly maintained, and the banks were denounced for suspending cash payments.

On the other hand, there was a meeting of delegates from all the banks of Philadelphia, and they replied to the inquiries of the popular meeting of the fifteenth of May. In answer to the first inquiry into the cause for suspending cash payments, they allege the example of New York, that if they could not receive specie from others, they could not pay it. If the banks part with the specie, they must stop lending. The suspension was necessary to enable them to lend to those who pay wages to the industrious classes. To the second inquiry, whether, during the suspension, the banks may not pay their bills of five and ten dollars — they say it is impossible, and would do no good. If paid in specie, these notes would command the same premium as specie, and thus would not be retained in circulation. The banks looking to a resumption of specie payments, will preserve their present supply, and not reduce it for the purposes of gain.

In all the cities meetings were held by merchants and others, devising plans of proceeding to mitigate the evils arising from the suspension; and the Administration found it necessary to authorise indulgence to be given on duty bonds as well before as after suit, and permitted that indulgence to be extended till after the commencement of the ensuing session of Congress: but the collector, who had proposed to exercise yet greater forbearance, was reprovved for his course by the Administration,

and instructed to alter it. In a speech made by Mr. Webster at Wheeling, in Virginia, where he happened to be at this time, he naturally dwelt on his predictions of the failure of "the experiment" made by the Administration on the currency:—

"You know," he says, "the obloquy cast upon me, who opposed this experiment. You know that we have been called bank agents, bank advocates, and bank hirelings. You know that it has been a thousand times said that the experiment worked admirably, that nothing could do better, that it was the highest possible evidence of the political wisdom and sagacity of its contrivers; and none opposed it, or doubted its efficiency, but the wicked or stupid.

"Its lofty promises, its grandeur, its flashes that threw other men's sense and understanding back into the shades—where are they now? Here is the 'fine of fines, and the recovery of recoveries;' its panics, its scoffs, its jeers, its jests, its gibes at all former experience, its cry of 'a new policy,' which was so much to delight and astonish mankind. To this conclusion has it come at last:—

"'But yesterday it stood against a world:

Now lies it there, and none so poor to do it reverence.'"

He said that every step in our financial and banking system, since 1832, had been a false step: that if there had been over-trading and rash speculation in the public lands, the Government had encouraged them by furnishing the means by the money it accumulated in the deposit banks.

There was another popular meeting in Philadelphia, and also one in Baltimore, maintaining the policy of a specie currency, and denouncing banks, moneyed aristocracy, and other abuses.

At a very numerous public meeting in New York, on the third of July, they passed resolutions in favor of a metallic currency, against a National Bank, and extolled the conduct of Martin Van Buren in adhering to the measures of Andrew Jackson.

On the fourth of September, Congress having assembled, President Van Buren sent them his first message.

He begins with stating the cause of their being convened at this unusual time, which was, that Congress having made it the duty of the Treasury Department to discontinue the use of such banks as should fail to redeem their notes in specie, and all the banks in which the public money had been deposited having suspended specie payments in May last, the regulations of Congress concerning the public money having thus become inoperative, he had felt it his duty to give them an early opportunity of exercising their supervisory powers. He also apprehended that the receipts into the treasury would not be sufficient to defray the expenses of the Government. These fears have been since realized, and would make some further provision by Congress necessary.

He had granted indulgence to the mercantile class indebted to the Government, in consequence of their present difficulties. The Government had also, under its obligations to pay specie, been restrained from offering its creditors the notes of any bank not paying specie. From these sources of difficulty, for which they alone could provide, their meeting was indispensable.

He adverted to the different opinions that had prevailed as to the causes of the recent revulsion, arising not merely from the nature of the subject, but also from party influences. It was natural that those who had opposed the policy of the Government should attribute

the embarrassment to that policy. He proceeded to suggest remedies for the mischief.

He attributed our present condition to over-action, which has been stimulated from over-issues of bank paper. From 1834 to 1836, the banking capital of the country was increased fifty-one millions, the paper circulation forty-five millions, and the discounts one hundred and thirty-three millions. To this is to be added the many millions acquired by foreign loans.

The consequences of this redundancy of credit were a large foreign debt, an extension of credit to country traders beyond the wants of the people, the investment of thirty-nine and a half millions in public lands, and the creation of debts to an immense amount for real estate in existing or anticipated cities, and a large expenditure in improvements which have been found ruinously improvident, and the diversion of much labor to other pursuits which should have been applied to agriculture; together with the rapid growth of luxurious habits. A revulsion was foreseen, though its actual severity was not anticipated. The great fire in New York helped to aggravate the mischief.

That these causes produced the present state of things is clear from the recurrence of similar evils in Great Britain, and throughout the commercial world. We find there the same increase of bank capital, and of paper credit—the same spirit of speculation, and the same reaction.

The objects of their immediate attention are to regulate the safe keeping, transfer, and disbursement of the public moneys; to designate the funds to be paid and received; to prescribe the terms of indulgence; and such other measures as may be found necessary.

The recent events have greatly increased the desire to

separate the fiscal operations of the Government from those of individuals or corporations.

To create a National Bank would be to disregard the popular will, twice solemnly expressed. The present evils would not have been prevented by a National Bank, as we have seen in England. Nor is such an institution recommended on account of the business of domestic exchanges. This may be effected by means of Government drafts. This subject has been well considered by the Secretary of the Treasury, whose views will be presented to Congress: but it was not intended by the Constitution that the Government should assume the management of domestic or foreign exchanges. It might as justly be expected to provide for the transportation of merchandize. It is properly left to the management of individuals. The opposite opinions on the necessity of a National Bank are adverted to. His own opinions, as formerly announced, against such an institution are unchanged; and he now has an increased conviction that it would not only fail to accomplish the benefits expected from it, but be dangerous to our republican system.

The failure of the deposit banks, though they were at first entirely successful, to pay up the public money when required for distribution among the several States, leads to the inquiry whether there are not great evils inherent in any connection between the Government and banks of issue. After discussing the subject, he decides against the policy of such a connection, which would be particularly injurious in case of war. The public deposits are used by the banks to increase their loans; and those that thought themselves most fortunate by the use of those funds, find themselves embarrassed when the season of payment arrives. These deposits, moreover,



stimulate to rash enterprise, and aggravate the fluctuations of commerce. He does not undervalue the benefits of credit in commerce, it is only against its abuses that he would warn our citizens.

Such an agency as is afforded by the local banks may be convenient to the treasury, but it is not indispensable. The collection, safe keeping and disbursement of the public money can, it is believed, be well arranged by the officers of the Government. The aid afforded by the banks in transferring the funds of the Government is less than has been supposed. The facilities will be much increased by the improved means of communication. The plan of doing this, as suggested by the Secretary of the Treasury, may be effected by such modifications and safeguards as he recommends; and all danger may be removed by the creation of special places of deposit and disbursement of such sums as cannot safely be left in the possession of the collecting officers. These need not exceed ten, nor the additional expense sixty thousand dollars a year.

The affairs of the post-office have been conducted, since May, wholly by means of the legal currency. As to the power and influence supposed to arise from the custody and disbursement of the public money, he declares that nothing would be more acceptable to him than the withdrawal of these duties from the Executive; but, under our present form of government, the intervention of Executive officers in collecting and disbursing the public money seems to be unavoidable; and it remains to be inquired whether such intervention would be increased by dispensing with the agency of banks. After examination of the two modes, he infers that the proposed plan is less liable to objection, on the score of Executive patronage, than any bank agency whatever.

With these views, he leaves the subject to Congress. It deserves a full and free discussion.

The Constitution evidently intended to make gold and silver the only legal currency; but the Government, without direct legislative authority, used banks as fiscal aids to the treasury; and the receipt of their notes was justified in their certain and immediate convertibility into specie. When the banks lately suspended cash payments, receipt of any thing but gold and silver was prohibited; and Congress has now to decide whether the revenue shall continue to be so collected. He presumes that the receipt of bank-notes, not redeemed on demand, will not be sanctioned; besides destroying the equality of imposts, it would frustrate the policy of infusing into our circulation a large proportion of the precious metals. Under that policy, our specie has increased to eighty millions. It would soon drive specie out of circulation.

For the Government to refuse to receive any thing but gold and silver is not to make an unjust discrimination between the Government and individuals; but to place it on the same footing as individuals, who are not compelled to receive any thing else in discharge of their debts. But the measure is a restriction, not a favor, and takes from the officer all discretion; and if it occasions some embarrassment, in the event of a sudden and general bank suspension, this inconvenience is more than compensated by its enlargement of the circulation of gold and silver, and the increased safety of bank paper; and it may be even to the interest of the banks themselves, that the Government should not receive their paper.

These views, he thinks, are in accordance with the Federal Constitution; and had the extension of the banking system been foreseen, he thinks it probable that the prohibition to issue bills of credit by the States

would also have been extended to the General Government.

In the mean time, we ought to provide all the remedies we can against a depreciated paper currency; and a uniform law concerning bankruptcies has been suggested, as a salutary check.

The question of further indulgence on duty bonds is submitted to Congress. On this subject, he refers them to the report of the Secretary of the Treasury.

The deficit in the treasury will be greater than was estimated. It will probably require six millions beyond the receipts for the service of the year; and if four millions be retained in the treasury, then ten millions of additional revenue will be required.

It is not proposed to raise this sum by loans or taxes. There are now in the treasury nine millions three hundred and sixty-seven thousand two hundred and fourteen dollars, directed to be deposited with the States in October next; and as it is liable to be recalled, if needed, and it will be wanted, he suggests that it should be withheld. This may produce inconvenience to some of the States, but it would be unjust and unwise to burden the country with additional taxation, when there is a large surplus revenue. Until the amount can be collected from the banks, treasury-notes may be temporarily issued.

The measures now proposed are clearly within the constitutional powers of Congress, and are likely to afford essential aid in a form adapted to the nature of our Government. Those who look to it for specific "aid to the citizen to relieve him from embarrassment arising from losses by revulsions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed." "All communities are apt to

look to government for too much." The framers of our Constitution "judged that the less Government interferes with private pursuits, the better for the general prosperity;" and if he refrains "from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government.

The difficulties of the times cannot be regarded as affecting the permanent prosperity of the nation. The suspension of specie payments, under the circumstances of our country, can be but temporary; and all banks that are solvent will redeem their issues in gold and silver.

He regrets that, in his first communication, he should be required to address them on such topics; "but it is a high gratification to know that we act for a people to whom the truth, however unpromising, can always be spoken with safety, and for the trial of whose patriotism no emergency is too severe." He does not mean to detain them longer than the object for which they were convened demands; and he reserves for their annual meeting the general information on the state of the Union.

This message had been looked for with great anxiety by the public, naturally desirous of learning the course proposed to be pursued by the Administration; and while all the State banks, and those interested in them, did not relish the doctrine of separating the moneyed concerns of the Government from all agency of the banks, many others were dissatisfied with the proposition that the people expected too much from the Gov-

ernment, whose proper province was not to aid or relieve individuals, however numerous a class they constituted, but to leave them to their own and other private efforts.

Probably some surprise was felt by the Opposition, that the President, instead of admitting that the suspension of the banks had been an unexpected evil, and of attempting to show that it was not fairly attributable to the measures of the Government, should have regarded it as a confirmation of the policy that had condemned all systems of paper money, and had sought to establish a metallic currency. The views presented by him in favor of that policy were well calculated to influence popular sentiment; and, therefore, the friends of the Administration were disposed to give to the message the widest circulation.

The banks of New York had, a little before Congress met, proposed to the banks of Philadelphia, to call a convention of the banks to meet in New York, in October, for the purpose of fixing on a day for resuming cash payments; but the Philadelphians thought it would be premature to act on the subject, until they saw the course that Congress would pursue, and declined to appoint delegates to the proposed convention.

The report of the Secretary of the Treasury was very full in its details of the course pursued by the Department since the bank suspension, as well as on the plan of separating the financial concerns of the Government from all connection with the banks.

Mr. Wright, of New York, introduced a bill in the Senate for the issue of ten millions of treasury-notes, not bearing interest for one year; also a bill, authorising a further postponement of the time of payment of duty bonds for six months.

The Secretary of the Treasury addressed a letter to the Speaker of the House, in compliance with a resolution of the eleventh instant, inquiring whether a letter purporting to be from him to the Clerk of the House, offering payment to the members in specie, was authentic; and if so, to what other claimants on the treasury a similar offer has been made, and what principle of discrimination has been adopted: also, that he report the amount of specie received since the first of May last, from whence received, how it has been disbursed, the amount on hand and where deposited, and whether any part of the public dues have been received on protested drafts.

The Secretary states that the letter is authentic; that he had once made a similar offer to many other claimants, in fulfilment of the law requiring specie to be paid by the Government; but after the bank suspension, it was necessary to make some discrimination. Those whom he paid in specie he thus classed:—

First. The debentures of the merchants.

Second. The salaries of all the land officers.

Third. The moneys refunded from sales of land, the titles to which proved defective.

Fourth. The fees received for patents, and refunded since May.

Fifth. The Indians, and those connected with their affairs.

Sixth. A large part of the payment for certain State stocks bought by the War Department, for investment of Indian funds.

Seventh. All claims on the Chickasaw funds.

Eighth. Payments have been made with a view to secure the efficient operations of the State, War, and Navy Departments: hence, bills of exchange have been

purchased with specie, and the bills remitted to our agents abroad.

Ninth. In the domestic operations of the War and Navy Departments, specie has been occasionally furnished.

Tenth. Reasonable amounts in specie have been paid to pensioners.

Eleventh. Specie has been furnished to the War Department, to defray travelling expenses of officers.

Twelfth. On like principles, the offer was made to pay members of Congress, to whom most of the pay would be for travel, in so short a session.

Thirteenth. As the specie has increased from the land offices in June and July, and also from some of the deposit banks, the Department has been able to extend its offers yet further.

Fourteenth. Judges, and other officers of courts, near land offices, have been paid in specie.

Fifteenth. The holders of the debt against the cities in the District of Columbia; as the interest on the stocks had been paid in specie.

Sixteenth. The holders of the scrip for the fifth instalment of the French indemnity.

The other inquiries were answered so as to exonerate the Secretary.

Various petitions and memorials were presented against the annexation of Texas, in consequence of the disposition manifested by Texas; and Mr. Adams took occasion to declare that, in many parts of the United States, a dissolution of the Union would be preferred to such annexation.

On the discussion of the bill for issuing treasury-notes, Mr. Calhoun spoke at great length on the present financial condition of the country.

He first inquired whether the connection between the Government and the banks should continue; and was decidedly of opinion that it should not. He considered it to be an established fact, that the State banks could not furnish a sound and stable currency: the only alternative presented to our choice is a disconnection with the State banks, or the establishment of a Bank of the United States.

But there are difficulties in the way of the latter alternative which he considered insuperable. The people are generally opposed to such a bank, and the States Rights party have always considered it unconstitutional. If these difficulties were removed, there are others which would prevent the success of the experiment. The circumstances of the present time are very different from those of 1816. Nor would he be willing to afford it a triumph over the Government, though he considered the Government the assailant.

He thinks, moreover, that the connection between the banks and the Government is injurious to the currency, as the issues of the bank expand and contract with the fiscal action of the Government. He endeavored to establish this position from a history of the banking in the United States from the year 1824.

Another objection to a National Bank is, that it was a preference to some citizens over others, by the use of the public funds. It makes a difference, too, between one part of the country and another. As the Government and banks are now separated, it is better for them both to remain so.

He suggests that a paper currency, in some form, is indispensable, in the present condition of the world. He thinks that no convertible paper, none whose credit rests upon a promise to pay, is suitable for a currency, for it



is liable to excess: the only basis for a safe currency is the demand and supply. A medium resting on this demand, which simply obliges the Government to receive it in all its dues, to the exclusion of every thing except gold and silver, and which shall be optional with those who have demands on the Government to receive or not, would, he thinks, be as stable in its value as those metals themselves, and be as little liable to abuse as the power of coining. Experience alone could determine the amount of this currency. He draws an example from the paper money of North Carolina.

As to the relief to be afforded, he fears that little can be done. The distress of the country arises from its indebtedness, and it can be relieved only by the payment of its debts.

We have reached a remarkable era in our history; of Legislative and Executive encroachments; of tariffs, surpluses, bank and public debt, and extravagant expenditures. The Government stands now disentangled from the past, and freer to choose its course than ever before. He rejoices that the Executive Department is so reduced in power and means, that it can no longer rely on its influence and patronage to secure a majority.

He looks with pride to the wise and noble bearing of the little States Rights party, throughout the eventful period the country has passed through since 1824. They had joined their old opponents on the tariff question, but under their own flag, and made a gallant and successful war against the encroachments of the Executive; but that terminated, he adds, "we part with our late allies in peace, to secure the fruits of our long but successful struggle under the old republican flag of 1798."

The sub-treasury bill, as it was called, provided for the safe keeping of the public money by the Trea-

suror of the United States, the treasurer of the mint and its branches, all collectors of the customs and surveyors acting in that capacity, receivers of land offices, and postmasters, till the same were ordered to be paid by the proper Department; and all such depositories were to give additional security, on such terms as should be required by the Solicitor of the Treasury: and the Secretary of the Treasury might appoint special agents to examine the accounts of such depositories.

The bill passed the Senate by twenty-six votes to twenty.

In the House of Representatives, the bill to postpone the payment of the fourth instalment of the surplus fund to the States until the first of January, 1839, passed the House by a small majority.

The sub-treasury bill, as well as all other measures relative to the monetary and financial concerns of the nation, created a protracted discussion; and the effect of the bank suspension seemed to be so to weaken the Administration party, and to strengthen that of the Opposition, as to make them nearly equal.

All the leading men in both Houses spoke on the subject, but it is now scarcely necessary to do more than to give a very condensed statement of their respective views.

Mr. Clay began with referring the present state of the country to the errors of the Government. If over-action and over-trading were the immediate causes, the Government was responsible for them by its measures. These measures were:—First, the veto of the bank charter; second, the removal of the deposits, with the injunction on the banks to enlarge their accommodations; third, the gold bill, and the demand of gold for our foreign indemnities; fourth, the clumsy execution of the deposit

law; fifth, the Treasury order of July, 1836: all of which he examined in detail.

He denied that the surplus was the effect of the tariff: it arose from the great land sales. If the land bill had gone into operation, this surplus would, by the distribution of the proceeds of sales, have prevented the large accumulation in the treasury.

Our error has not been so much a want of wisdom as of firmness. The will of one man has been allowed to predominate, and to carry measures which had been previously disapproved and condemned.

The remedial measures now proposed are:—First, the sub-treasuries, the public depositories for the specie of the Government, refusing all the notes of banks; second, a bankrupt law, levelled at the State banks that stop payment; third, a particular law for the District of Columbia, prohibiting the circulation of any inconvertible paper; and fourth, the suspension of the fourth instalment to the States: which system, if carried out, must end in the total subversion of the State banks.

He spoke of the advantages of a convertible paper, as a labor-saving instrument. He impugned Mr. Calhoun's plan of a paper currency, affirmed that the paper of North Carolina did depreciate, and adverted to a similar experiment in Kentucky, where it signally failed. To make war upon the State banks is to make war upon the people.

True wisdom, he urged, consists not in aiming at theoretic perfection, but in the good that is practicable. A currency exclusively metallic would cause great injustice, by depreciating property. He objected to the sub-treasuries, for their insecurity; and adverted to the delinquency of the State Treasurers in Kentucky. He

spoke of the liability of the proposed system to favoritism, and of its fearful increase of Executive patronage.

He denied that this power or patronage was diminished. So far from disclaiming any part of it, the present Chief Magistrate has avowed his intention of following in the footsteps of his predecessor. "The person of the Chief Magistrate is changed, but there stands the Executive power, perpetuated in all its vast magnitude, undiminished, reasserted, and overshadowing all the other Departments of the Government. Every trophy which the late President won from them now decorates the Executive mansion. Every power which he tore from a bleeding Constitution is now in the Executive armory, ready, as time and occasion may prompt the existing incumbent, whoever he may be, to be thundered against the liberties of the people."

"Pass this bill, and the union of the purse and the sword, so justly deprecated, will be effected."

The operation of the system in increasing the power and influence of the Executive was then pointed out.

The Government now says the people expect too much from it; it is not its business to furnish exchanges: but that was not its language in its contest with the Bank.

He adverted to a National Bank; denied that the question had been decided by the American people; thinks a President has no right to say in advance that he would not approve of a particular bill, if it were passed by Congress; and believed that a majority of the people would now be in favor of a National Bank. The benefits of such a Bank are dwelt upon; and he does not think that any practicable connection of State banks can supply a general currency; but between Mr. Rives's scheme for that purpose, and that recommended by the Administration, he should prefer the former.

Mr. Rives's amendment proposed to authorise the receipt of the bills of all specie-paying banks not issuing notes of less than twenty dollars (as a substitute for the whole sub-treasury bill) : it was lost by twenty-six votes to twenty-two.

One of the assailants of the sub-treasury scheme—Mr. Hoffman, of New York—was particularly successful. He was opposed to this bill, because it violated the Constitution, at least in its spirit. He said there should be a common credit or discredit between the Government and the people, a common honor or dishonor, a common interest in all things between them. He scanned the provisions of the bill, said defalcation would ensue ; besides the pilfering and frauds of those who would have the charge of the public revenues, there would be the brawling sycophant, and the unscrupulous partisan, whose very bread would depend upon his subserviency to Executive dictation. He said the true cause of the distress of the country was the war on the Bank of the United States by the late Executive. He had never been the friend or the enemy of that Bank, or of the local banks. He showed that Mr. Van Buren had risen to power by the aid of the Safety fund system, and that he was now kicking away the ladder by which he had risen. The bill had been called a "divorce bill;" but it was rather a "fatal marriage:" fatal to the Constitution, and to the liberties and happiness of the people.

Mr. King, of Georgia, followed on the same side. He showed that the system of exchanges by the State banks, instead of being cheaper, was far more expensive, and gave to those banks enormous profits. He aimed to show that the measures of the Government had produced all the present mischief. He had been in favor of Mr. Van Buren's election. In answer to the President's

argument from the similar distress in England, he showed the difference between the character of the pecuniary difficulties in England and this country; no redundancy of currency there—the increase being there only one and a half per cent., but here it was ninety-six per cent. Our foreign debt, instead of being only thirty millions, is upwards of one hundred millions. He showed the mischievous effects of the removal of the deposits in depreciating our staples at home, increasing the import of specie, the increase of paper currency, speculation, indebtedness, and bank suspension. He commented on the specie circular, and on its mischiefs; but for this order, he believed there would have been no bank suspension.

He spoke favorably of the late National Bank, though he had always been opposed to the whole paper system. He had always acted with the Democratic party. The separation of the banks from the Government he did not object to, if we could provide safely for the public money; but he thought the bill both imperfect and obscure. On the restriction of all public dues to payment in specie, he could never think without instructions from his constituents. He regarded the project as impracticable, unnecessary, and in many ways injurious; and moved to postpone the subject to the first Monday in December.

Mr. Pope, of Kentucky, made a speech on the same bill, in the House of Representatives. He had aided in the election of the late Chief Magistrate, and had ever been unwilling to assail him or his measures; but he had disapproved of his veto of the Bank bill, the removal of the deposits, and other acts tending to increase the Executive power. He expressed himself strongly in favor of a National Bank, as a useful institution. He

was decidedly opposed to the scheme of a sub-treasury, and against an exclusive metallic currency, as not suited to the circumstances and habits of the people. It would be productive of the most disastrous consequences.

He adverted to the "cant phrase" of a divorce of the Government from the Banks, which, when closely looked to is a divorce of the States, banks, and people, from the States, banks, and people. He urged that we were bound to exert all our power to redeem our country from the evils and dangers which surround it. He was decidedly in favor of a National Bank, which he regarded as constitutional.

Mr. Graves, of Kentucky, was also opposed to the sub-treasury scheme, in his speech on the postponement of the fourth instalment to the States. He regarded the failure to charter the Bank of the United States as the cause of all the present difficulties of the country.

Mr. Talmadge, of New York, was also opposed to the subtreasury scheme. He was from the same State as the President, and had long been intimate with him. It was with regret, then, that he found himself compelled to differ from him on a question touching the public interest. His mind had long been made up against this scheme. It was brought forward, in 1834, by a member of the Opposition, and condemned by every friend of the Administration. Then the State banks were the favorite depositories of the public money. The people were congratulated on the better currency, and the reduction in the rates of exchange. The scheme has confessedly failed; but does the failure remove the objection to a measure so loudly condemned as dangerous, disorganizing, and revolutionary?

The mischiefs of the specie circular were brought to notice. He said that the suspension of the banks pro-

ceeded from causes that were beyond their control. He defended the credit system; maintained that the proposed policy would not only give to the country a depreciated currency, but would eventually deprive it of all currency whatever; and that, if the banks were to resume cash payments, under the new system they would be compelled to stop again. The abuses to which this plan of keeping the public money are exposed were much insisted on; and he looked forward to the consequences with the most fearful forebodings.

Mr. Adams also made a long speech on the bill for regulating the deposit banks, in opposition to the course which the Administration wished to pursue, and which had been zealously supported by Mr. Cambreling, of New York. He endeavored to prove, by very copious and minute details, that the Administration had shown great injustice and favoritism in the distribution of the Government deposits.

The sub-treasury scheme was also very fully discussed by Mr. Webster in the Senate. He began by saying he was opposed to the doctrines of the President's message, and also to the amendment proposed by Mr. Calhoun. It was his purpose to discuss the subject as a question of practical politics.

He gave a historical review of the United States Bank. The experiment of the State banks having failed, the Government was bound either to take the currency into its own keeping, or leave it to take care of itself.

The object of the message is to seek relief to the Government, but not to afford it to the people; and he asked if the Government owes no duties, except to itself. He thought it existed, not for its own ends, but for the public utility. His purpose was to maintain two propositions:—



First. That it is the constitutional duty of this Government to see that a proper currency be maintained and preserved.

Second. That the message, the bill, and the proposed amendment, deny any such duty, disclaim all such power, and confine the obligation of government to the mere regulation of coins, and the care of its own revenue.

The argument in support of his first proposition was very copious and elaborate. To prove the second, he quoted several passages from the President's late message. On these questions he was willing to abide the test of time, and the judgment of the people.

Mr. Garland, of Virginia, was also opposed to the sub-treasury scheme, and made a speech in support of his views.<sup>1</sup> They were very similar to those which have been stated.

Several speakers supported the President's views, as Mr. Buchanan, of Pennsylvania, Mr. Strange, of North Carolina, and some others.

The result of this discussion was, that a motion to lay the bill on the table, on the fourteenth of October, was carried by one hundred and twenty votes to one hundred and seven. A reconsideration having been moved, a motion to lay the question of reconsideration on the table was carried by one hundred and nineteen votes to one hundred and four.

And thus the only remedial measures passed at this extra session, called for the express purpose of making provision for the difficulties and embarrassments of the the country, were two bills—one to postpone the payment of the fourth instalment of the surplus fund among the States; and the other, to authorise the Administra-

<sup>1</sup> Niles's Register, Vol. LII., page 48.

tion to issue treasury-notes to the amount of ten or twelve millions: and Congress adjourned on the sixteenth of October, after a continuous session of six weeks, on the single subject of the currency.

The principle urged by the President, that it was not the proper province of the Government to afford relief in cases of commercial or pecuniary difficulty, or in facilitating the means of exchange, presented to the Opposition their chief ground of attack on the message, and was calculated to procure for the Administration more enemies than friends. Such cold and heartless policy found no compensation even with the masses of the Democratic party, for its saving of the public money. On the whole, it appeared that the Administration had not been able to gain, by its measures or its doctrines in the extra session of Congress, even if it gained at all, enough to counterbalance what it had lost of popular favor by the general bank suspension, and the pecuniary difficulties which followed it. By the election in the President's own State, in November, the Whigs, who, last year, had but thirty-four votes out of one hundred and thirty-eight in the State Legislature, had this year one hundred and one votes, equal to a majority of seventy-four. Similar results, though not so decisive, took place in other States which then held their popular elections. A more sudden revolution of parties was never known; and while all seemed to admit that no one of a party whose policy had proved so ruinous, and was then so unpopular, stood any chance of being elected President at the next election, a very large majority settled down in the belief that the honor would be bestowed on Henry Clay, who, from many of his former opponents, as well as his friends, already received, in anticipation, much of the court that is commonly bestowed on him who has so

much of public honors and emoluments to distribute. He bore these flattering attentions with an easy grace, as well as with his wonted good-humor; and such was his sanguine temper, that, notwithstanding his experience and sagacity, he seemed, as much as any one, to forget the delusive and unstable character of these signs of the popular sentiment.

On the fourth of December, Congress assembled, and on the next day the President sent to both Houses his annual message.

He congratulates the country, not only on its tranquillity and returning health, but on the recovery of the public, in a great degree, from its recent embarrassments.

Its foreign relations are not much changed in the last year. The policy of his predecessor, in this part of his Administration, is highly eulogized, especially in restoring to the mercantile community so many millions of which they had been divested.

On the subject of the north-eastern boundary, he says the Administration has proposed to Great Britain a conventional line, but no answer has been yet received. He trusts that the settlement of this irritating question cannot be much longer deferred.

All the other European Powers are specially named, and in very friendly terms; and appear to afford no occasion for controversy or disagreement, except Portugal, concerning discriminating duties.

The relations with the new American Republics are also entirely friendly, with the exception of Mexico, whose conduct in not redressing the injuries done to our citizens, referred to with some minuteness, is strongly reprehended; and, after adverting to the recommendation of his predecessor to make reprisals, if redress was

longer refused, he informs Congress that his last demand for satisfaction was unsuccessful, and that it was for them "to decide upon the time, the mode, and the measure of redress."

The balance in the treasury, on the first of January, 1837, was near forty-six millions of dollars; and the receipts, including the treasury-notes issued, about twenty-three and a half millions. Of this amount, above thirty-five millions have been expended on appropriations previously made, and the residue will be the nominal balance in the treasury on the first of January next; but of this, little more than one million will be available — the rest is chiefly deposited with the States, and due from the deposit banks. The amount of treasury-notes necessary to be issued during the year is not expected to exceed four and a half millions. It is gratifying to anticipate that, notwithstanding the recent commercial embarrassments, and the consequent indulgence given by the Government, the treasury-notes will be redeemed without resort to loans or increased taxes.

No law having been passed at the late session for the collection, safe keeping, and transfer of the public money, the subject is again brought to their notice.

He had then presented three modes for their consideration — a National Bank; the deposit system, by the means of local banks; and their discontinuance, with provision for the performance of their duties by the public officers. To the two first, Congress has expressed its dissent, in which he concurs: on the last, they have been able, since the adjournment of Congress, to judge of its expediency, and also to learn the sentiments of the people. Elections have been since held in some of the States, and this measure has been more or less discussed; but questions of "deeper and more immediate local in-

terest than the fiscal plans of the national treasury were involved in those elections." He adverts to the influence caused by the large amount of bank capital (one hundred and sixty millions) subject to forfeiture, in the feelings and opinions on this subject. His own opinions remain unchanged. The discontinuance of the State banks for fiscal purposes, he says, ought not to be regarded as a measure of hostility towards them. The object is to remove the Government from all dependence on the will of irresponsible individuals; to withdraw the public money from the uses of private trade; to withhold inducement to improvident dealings; and to preserve the Government from the reproach that flows from its connection with the banks. These views, dictated by no desire but to promote the public interest, are submitted with unfeigned deference for the opinions of others. If Congress does not agree with him, he shall look to their wisdom to substitute what may be more conducive to the public interest, and more acceptable to the people. It was important that the subject should be settled at the present session. He further suggested that the public money should be kept in the banks on special deposit. So long as the connection with the Government is voluntary, few of the difficulties attending a compulsory connection will exist.

He felt himself bound again to mention the late National Bank. The charter of that Bank continued its corporate power two years after its charter expired, for "the sole purpose of closing its affairs." Its effects were, however, transferred to another institution under another charter. The two years are now nearly at an end; yet the Bank has not redeemed and cancelled the outstanding notes, but has actually reissued them, to a large amount, since the third of March, 1836. The impro-

priety of this course he strongly condemns; and Congress was recommended to prevent similar acts in future, which are not consistent with good faith, and may be followed by serious losses to individuals.

On the subject of the public lands he comments very fully. He is decidedly in favor of the policy which regards them as the common property of the States. The leading object of the Government being not so much to derive revenue from those lands as to obtain their settlement—the price, therefore, should be low, and they should be brought into the market no sooner than they are wanted by settlers.

The principal modification of the system most urged, of late, on Congress, is a reduction in the price of those lands that have proved unsaleable. On this vexed question, he suggested a compromise of conflicting opinions, by having those lands actually valued and classed into two or more rates below the present minimum price. The time, he said, will come when it will be the true policy of the Government to transfer all those lands, for a reasonable equivalent, to the States in which they lie. He also recommended a general pre-emption law, which should allow settlers to purchase the public lands at the minimum price.

The military objects of his recommendation, or notice, are the increase of the regular force, the organization of the militia, an increase of engineers, and an increase of the term for which cadets educated at West Point should remain in the public service.

The removal of the Indians had been attended with all the results which the most sanguine anticipated. If they are removed, they can be made to enjoy the blessings of free government, and may be steadily advancing in property, knowledge, and civilization. The Govern-

ment is bound to fulfil its treaty stipulations with them, and to protect them from other Indian tribes, and all other persons.

The reports of the Secretary of the Navy and of the Postmaster-general, to which he refers, give favorable statements of the condition of their respective Departments.

The provision of the law which limits the term of service of our collecting and disbursing officers to four years, has been found so beneficial, that he advises its extension to all officers of the army and navy entrusted with the receipt or payment of public money, and that they should, moreover, give bond and security.

The interests of the District of Columbia, dependent altogether upon Congress, are recommended to their notice.

His last recommendation, in a message of unwonted length, was some legal provision for preventing the distressing casualties, of such frequent occurrence, in steamboats.

In consequence of some jealousy and discord between the French population of Lower Canada and that of Upper Canada, in the Legislature, the breach had gone on widening, till it ended in open insurrection. The people of the United States, on the borders of Canada, felt a lively interest in behalf of the insurgents, in consequence of which the Government of the United States deemed it prudent to instruct all its officers on the frontier to prevent any unlawful interference on the part of American citizens in the contest; and on the fifth of January the President issued his proclamation, reciting the precautionary measures that had been taken, but that this warning had been ineffectual, and that the excitement was every day increasing: that arms and mu-

nitions of war had been procured by the insurgents in the United States: that a military force, consisting partly of citizens of the United States, had been actually organized, had been congregated at Navy Island, and were still in arms under the command of a citizen of the United States. He therefore exhorted all such citizens to return to their respective homes, and warned them that, for violating the duties of neutrality, they would render themselves liable to punishment under the laws of the United States, and that they would receive no aid or countenance from the Government for any difficulties they may, consequently incur.

Soon after the message, some resolutions of the Legislature of Vermont were presented to Congress, on the subject of the annexation of Texas, and of slavery in the District of Columbia. They affirmed that Congress had the constitutional power to abolish slavery in the District of Columbia, and in the territories, and also to abolish the slave-trade between the several States; and that its powers, in all these particulars, ought to be exercised.

They maintained that its power to admit States into the Union extended only to those whose constitutional forms of government were authorised and approved by the legislative sanction of that body. They regard the annexation of Louisiana and Florida as unwarranted assumptions of power.

These resolutions produced no little excitement, and gave rise to resolutions in both Houses, in which the right of Congress to intermeddle with the subject of slavery in the District of Columbia, or the territories, is denied, and is pronounced to be a breach of faith towards the slaveholding States.



Resolutions on this subject were offered by Mr. Calhoun and Mr. Maxwell in the Senate.

There having been numerous petitions from the Northern States asking for the abolition of slavery in the District of Columbia, which topic always produced much agitation, Mr. Patton, of Virginia, moved that, whenever any petition or memorial touching the abolition of slavery, or the buying, selling, or transferring slaves, in any State, District, or Territory, shall be presented, the same shall be laid on the table, without being debated, printed, read, or referred; and that no further action whatever shall be had thereon.

His resolution was carried by one hundred and twenty-votes to seventy-four. Mr. Adams, when his name was called, rose and declared that he held the resolution to be "a violation of the Constitution of the United States, and of the right of the people of the United States to petition, and of his right to freedom of speech, as a member of this House."

A message was received from the President to both Houses, on the eighth of January, 1838, informing them of an outrage of a most aggravated character having been committed by the British forces in Canada, and a hostile, though temporary, invasion of the territory of the United States.

It appeared that the American steamer *Caroline* was employed in carrying passengers and freight between Buffalo and Schlosser: that while at the latter place, on the twenty-ninth of December, at midnight, she was boarded by seventy or eighty armed men, who commenced a violent attack on her crew, and twenty-three other citizens lodging on board. These attempted to escape, but several were wounded, one killed, and twelve are missing. The vessel was then set on fire,

turned into the current, and carried down the Niagara Falls.

The President then requested Governor Marcy to place such militia as he may require, under General Scott, who had been ordered to take command on the Canada frontier.

This outrage was immediately made the subject of a communication to Mr. Fox, the British Minister at Washington, asking for the punishment of the aggressors, and that it had been deemed prudent to order a force on the frontier to repel similar attempts.

The British officer commanding — Colonel M'Nab — stated that two parties of Canadians had been fired upon from the American side, near Fort Schlosser: that the steamer *Caroline* had been sold to the pirates on Navy Island, and loaded with provisions and munitions of war, not only in the United States, but immediately under the notice of their public authorities: and that these stores were forwarded to Navy Island for the use of the pirates assembled there, for the purpose of invading and plundering Her Britannic Majesty's country.

The subject gave rise to a spirited debate — some censuring the Administration for leaving the frontier defenceless, and others defending it, and censuring the people on the frontier for an unjustifiable intermeddling in the Canadian disturbances.

The day before Mr. Forsyth's letter to Mr. Fox on the subject of the seizure of the *Caroline*, Mr. Fox had written to Mr. Forsyth, representing that, according to the official information he had received, Upper Canada was actually invaded by citizens of the United States, who threatened the peace and safety of the inhabitants. They had established themselves at Navy Island, on the Canadian side of the Niagara River; were commanded

by a native American, Van Rensselaer; and they continue to procure provisions, and arms, for their criminal enterprise.

Mr. Forsyth replied the next day—the fifth of January—and informed him of the efforts the President had made, and would continue to make, to prevent the citizens of the United States from taking any part in the disturbances in Canada.

Mr. Fillmore, of New York, offered a resolution, calling on the President for information respecting the capture and destruction of the *Caroline* at Schlosser, the murder of citizens of the United States, whether the capture was authorised by British authorities, and what steps had been taken to obtain satisfaction; and to communicate to the House any correspondence that has taken place regarding the same.

On the thirty-first of January, 1838, Mr. Wright, of New York, made a long speech in the Senate in support of the sub-treasury bill which he had introduced. After explaining the character and purpose of each provision of the bill, he spoke at large in favor of its general policy of entrusting the safe keeping and disbursement of the public money to officers of the Government, in preference to the deposit banks. The bill proposes bond and security from each depository. It provides vaults and safes at the most important points of collection; and proposes to use the banks for special deposits, where the Government has no depositories.

He insisted, first, that the risk was much greater under the former system.

Second. That the expense was less, if we took into account the loss which the public was likely to sustain from the failure of the banks to meet their engagements,

the extra session of Congress, and some other considerations.

Third. The Executive patronage would be less.

Fourth. It would prove a salutary check on the banks themselves.

Fifth. Its influence upon the Government of the country and its finances. The proposed system would enable the Government at all times to pay its debts.

Sixth. Its influence upon the general currency, which would have all the solidity and stability of gold and silver, instead of being liable to the fluctuations that took place when the currency was wholly or largely of paper.

He then proceeded to answer the most prominent objections to the system :

As, that it was an attack on the banking institutions. He said there was nothing to authorise the banks to assert any claim of right to a connection with the Government. They had never been its depositories until lately, and they themselves had forfeited the right by violating the conditions upon which it was granted.

The next objection to the system was, that it would secure a sound currency for the public officers, and a base currency for the country. He admitted it would secure a good currency for the treasury, and all who had demands on it. That was one of its chief merits. But it did not tend to debase the general currency : so far from it, it tended to raise its character, and prevent its debasement.

A third objection was, that the system was likely to withdraw from circulation and use, and to hoard in the several depositories, too great a portion of the gold and silver of the country. He denied that this could be the case—the disbursements of the Government being equal, when properly adjusted, to its receipts : and, further, the

bill provided that, whenever there was more than four millions on deposit, the money so hoarded should be used in the purchase of stock.

The merits of this bill of Mr. Wright were very fully discussed by both sides.

Mr. Webster presented his views on the thirty-first of January. He was very severe on the remark of the President, that the Government should provide a sound currency for its own use, and leave the rest to the States and the people. He said, of all Governments, the present Administration had least excuse for withdrawing its care from the currency, for it is to its interference that the country owes its present disasters. He was for having one currency, and that a good one, both for the people and the Government. In the course of his remarks he said:—“We are in danger of being overwhelmed with irredeemable paper, mere paper, representing not gold or silver; no, Sir, representing nothing but BROKEN PROMISES, BAD FAITH, BANKRUPT CORPORATIONS, CHEATED CREDITORS, and a RUINED PEOPLE.”

Mr. Hubbard, of New Hampshire, defended the bill, and was followed by Mr. Talmadge, of New York, in opposition to it.

Mr. Rives, of Virginia, was also opposed to it. In assailing the bill, he defended himself from the imputation of being the friend of the banks, and of change of party. He said “he stood now where he stood then,” when he voted with those whom he now opposed.

Mr. Webster made a second argument against the bill, much longer, and it was thought much abler than his first.

Mr. Calhoun spoke in support of the bill. He was opposed to Mr. Rives's substitute, and was severe in his

remarks on that member's course on the subject of the safe keeping of the public money.

Mr. Clay spoke against the bill, on the nineteenth of February, 1838.

The bill finally passed, on the twenty-sixth of March, by twenty-seven votes to twenty-five.

In the discussion on the sub-treasury bill, much feeling was called forth in the Senate, and there was more of personality and want of courtesy than was usual in that body. Mr. Calhoun, having then quitted those with whom he had previously associated, first exposed himself to the charge of inconsistency. In Mr. Webster's second speech, while answering the charge of a change of policy of himself and others, of Massachusetts, on the subject of the tariff, he was particularly severe on Mr. Calhoun for his unsteady, wavering course in politics. Mr. Calhoun replied to this, after having spoken twice before in the same debate, and taunted Mr. Webster in turn, not merely on his change of policy from free trade to protection, but hinted at his course respecting the war. To this Mr. Webster made an indignant reply on the spot, defying Mr. Calhoun to point out any part of his course in which he was not faithful to the country and to the Union. He had not thought the embargo a wise measure, but he had done nothing to oppose the war.

Judge White, of Tennessee, was another of the members of the Senate who spoke against the sub-treasury scheme.

The death of Mr. Cilley, of New Hampshire, in a duel with Mr. Graves, of Kentucky, both members of the House of Representatives, caused a bill to be introduced, at this session, against duelling, by which the punishment of death is inflicted on all concerned in a duel in which death ensues; and confinement in the peniten-

tiary, from five to ten years, on all concerned in giving or receiving a challenge; and from three to seven years for assault, defamation, or abuse, for refusing a challenge.

There was, at this time, a great riot in Philadelphia, in consequence of lectures delivered at a place called Pennsylvania Hall, on the subject of abolition, by Garrison and others. The mob first attacked the building with stones and other missiles, and then dispersed; but collecting again the next day, in spite of all the efforts of the Mayor and the civil authorities, they set fire to the building, and it was destroyed. Besides the opposition of the more intelligent and respectable portion of the community against the abolitionists, it is believed that the great mass of the laboring Irish were prejudiced against the colored population, who are regarded as their rivals as day-laborers and domestics. The firemen, with their accustomed alacrity, hastened to the fire, but were not permitted by the mob to use their engines.

Further disturbances on the Northern frontier continued to take place. The British steamer Sir Robert Peel, while in the American waters, was attacked and destroyed by a party of armed men from the American side; and the American steamer Telegraph, at Brockville, in Upper Canada, was also destroyed. These acts formed subjects of mutual complaint and explanation to the two Governments.

In the House of Representatives, the sub-treasury bill was rejected on the engrossment—the twenty-fifth of June—by one hundred and twenty-five votes to one hundred and eleven; and the next day the motion to reconsider the vote of rejection was negatived by two hundred and two votes to twenty-one.

A substitute for the sub-treasury bill was offered, in

the Senate, by Mr. Buchanan, which provided for making special deposits of the public money in banks; which was discussed by members on both sides, and was finally rejected.

Another bill was then introduced by Mr. Wright, which removed all the restrictions in the previous bills, and left the Secretary of the Treasury at liberty to select what banks he pleased as depositories of the public money. It passed the Senate by twenty-seven votes to twenty-two, seemingly by a strict party vote. In the House it was carried by a large majority.

On the seventh of July, Mr. Howard, from the Committee on Foreign Affairs in the House of Representatives, made a report on the relations between the United States and Mexico; to which Committee several messages of the President, and other documents, had been referred.

After an historical review of the causes of complaint by the United States against Mexico, and the course pursued by the Administration of the former, the report thus concludes:—

“They will, therefore, only express a hope that the Government of Mexico is at last influenced by a more friendly spirit towards the United States than that which has characterized its deportment for many years past; and that it will approach the negotiation of the proposed convention with such a temper, and upon such terms, that the President of the United States can resume, permanently, the exercise of those powers which he had heretofore found insufficient to protect the honor of the Government, and the rights of the people of the United States.”

On the ninth of July Congress adjourned, having, in a session of more than seven months, done little more



than discuss the subjects of finance and currency, without adopting any scheme for the purpose of supplying the country with a sound circulation, or the nation with a safe, practical system of finance. The only public measures of any importance were an act for increasing the military establishment, by an addition to the infantry, and engineers, military and topographical, pursuant to the recommendation from the President; with one to authorise commissioners to make inquiry into the subject of steam boilers, and to make experiments to test the usefulness of inventions to improve and render safe those boilers; and one to modify the last clause in the deposit act of June, 1836, by which modification, the issuing of any note under five dollars before October, 1838, was no disqualification for any bank to be used by the Secretary of the Treasury as a depository of the public money; but the issuing of any note under that denomination was to disqualify after that date.

The banks had now agreed to resume cash payments in August, and business, in commerce and manufactures, was gradually resuming its accustomed channels; but the Administration seemed not to have regained much, if any, of its lost popularity. The disturbances in Canada were looked to with anxiety, as threatening the peace of the United States, in consequence of the collisions that were so likely to take place between the British authorities in Canada and the people of the United States near the border, from their actual or supposed sympathy with the Canadian insurgents.

During this session of Congress, the war with the Florida Indians was at length brought to a close, and particulars of its termination were detailed in a letter from General Jessup to the Secretary of War, which the President, in conformity with a resolution of the Senate,

transmitted to that body on the seventh of July, and which were ordered to be laid on the table.

It appeared, from the General's report, that the number of Indians and negroes altogether who had surrendered, or were taken by the army, from the fourth of September, 1837, until he left Florida, amounted to one thousand nine hundred and seventy-eight, of whom twenty-three escaped; and he estimated the killed at thirty-five; but, from the admission of the chiefs, the number, including those who died of their wounds, was much greater. Of the number killed and taken, the warriors exceeded six hundred.

From December, 1836, to the fourth of September, 1837, the number of Indians and negroes killed and taken were about four hundred, over a hundred of whom were warriors. Thus, during the period of his command, the Indians and negroes who surrendered, or were taken, amounted to near two thousand four hundred, of whom seven hundred were warriors.

He says that, if the operations of the army have fallen short of public expectation, it should be remembered that new duties were imposed upon it. "I and my predecessors in command were not only required to fight, beat, and drive the enemy before us, but to go into an unexplored wilderness and catch them. Neither Wayne, Harrison, nor Jackson, were required to do this."

A second proclamation was issued by the President on the twenty-first day of November, warning the citizens of the United States to take no part in the disturbances in Canada.

Congress met on the third day of December, according to adjournment, and on the same day the President sent his annual message.

He begins in a livelier strain of congratulation than the year before; and the Federal Government having now been fifty years in operation, he takes this occasion of passing encomiums on the political advantages of the country and its institutions.

He then passes to the foreign relations of the country, which are entirely amicable, as our differences with Mexico, which alone formed an exception at his previous opening message, were now happily adjusted.

There is now a prospect of the settlement of the north-eastern boundary, by a convention to appoint a joint commission of survey.

The interference of American citizens in the Canada disturbances is mentioned in terms of reprobation, and the measures adopted by the American Government to check these excesses are communicated.

Russia declines to renew the fourth article of her convention with the United States in 1824, that neither party should form any settlement on the north-west coast of this continent, on the opposite side of the parallel of fifty-four degrees and forty minutes; and by the fourth article, that, during a term of ten years, the ships of both Powers may reciprocally frequent the interior seas, gulfs, harbors, and creeks, upon the coast mentioned, for the purpose of fishing and trading with the natives. The reason assigned for her thus declining the renewal is, that the only use made by our citizens has been to supply the Indians with spirituous liquors, ammunition, and fire-arms; which, as it is likely to produce complaints between the two Governments, she has thought it for the interest of both countries not to accede to the proposition to renew the article last referred to. It appeared that the two Governments did not agree as

to the extent of the rights of the citizens of the United States.

A convention with Texas has settled the boundaries between the two countries. The application of that Republic for admission into this Union, made in August, 1837, and which was declined for reasons made known to Congress, has been formally withdrawn.

A commercial convention has also been formed with Greece, and with the Peru-Bolivian Confederation.

Our diplomatic connections have been lately extended to other States, both in Europe and America.

The available balance in the treasury, on the first of January next, is estimated at two and three-quarters millions of dollars. The receipts of the year, from customs and lands, will probably be upwards of twenty millions, which amount has been increased by treasury-notes — of these there will be less than eight millions outstanding at the end of the year — and by the sale of one of the bonds of the Bank of the United States for two and a quarter millions. The whole expenditure for the year, including the redemption of more than eight millions of treasury-notes, constitutes an aggregate of about forty millions of dollars.

As eight millions of treasury-notes are to be paid during the ensuing year, and the receipts from the tariff are steadily diminishing, he recommends a vigilant economy in the appropriations.

Late events have shown the great resources of the country; and it is gratifying to know, that the general business of the community, deeply affected as it has been, is reviving with additional vigor, chastened by the lessons of the past, and animated by the hope of the future.

He says that the agency of the Government, in pro-

ducing these results has been as efficient as its means permitted. By withholding from the States the fourth instalment, and leaving many millions with the banks on easy credits; by postponing the payment of duty bonds, and issuing treasury-notes. The consequence has been a general resumption of cash payments by the banks.

He adverts to the much briefer continuance of this suspension than that of 1814. It is shown that the agency of a National Bank was not necessary to a resumption. He again recommends the sub-treasury scheme.

A defalcation of a most serious character, by a collector (Swartwout, of New York), induces him to suggest that such offences should be punished as felonies; and also that the accounts of public officers should be subject to the supervision and examination of the Executive at all times. He dwells upon the mischiefs which arose from the connection between the Government and the banks.

He disclaims all hostility to the banks: he has never been opposed to their rights conferred by law; he admits their utility; and he acknowledges the forbearance of most of them to extend their business during their suspension, even when invited to do so by legislative sanction.

He again speaks favorably of the pre-emption right to settlers on the public lands, and of the system of a graduation of prices mentioned in his previous annual message.

Every effort has been made to carry out the wishes of Congress as to the tobacco trade; and though an early change in the policy of foreign nations is not to be expected, eventual success is probable.

An effective volunteer force, in aid of the regular

army, is again recommended, as are also certain manufacturing of arms and ammunition.

The Cherokees are now entirely removed to the west of the Mississippi. The same policy is about to be extended to other Indian tribes within the settlements of the white population, which is, on so many accounts, desirable. The course of the Government towards the aborigines is forcibly vindicated, and the very liberal course pursued towards the Cherokees is fully detailed.

The treaties made with the other tribes on the Northern frontier are noticed. "For the Indian title to one hundred and ten millions of acres acquired since the fourth of March, 1829, the United States have paid above seventy-two millions of dollars in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandize, mechanical and agricultural establishments and implements."

"The condition of the tribes which occupy the country set apart for them in the West, is highly prosperous, and encourages the hope of their early civilization." They have mostly abandoned the hunter state, and have become agriculturists.

The Seminole emigration has not been so successful. About one thousand nine hundred of them have emigrated to the West, leaving two thousand behind. The murders and outrages of these last make it necessary that they should be totally expelled from Florida, especially as their bad faith in the execution of their treaty stipulations will be of evil example to other tribes. The plan, for this purpose, recommended by the Secretary of War is submitted to their consideration.

The exploring expedition sailed from Norfolk on the nineteenth of August, and arrived safely at Madeira.

Our commerce requires protection in the Indian and

China seas, and in the Gulf of Mexico; our whale-fisheries in the Pacific Ocean; and a small squadron may be employed on the Atlantic coast. An increase in the number of smaller vessels is deemed important to our rapidly increasing commerce.

The first subject of any interest discussed in Congress was the abolition of slavery in the District of Columbia, which gave rise to a warm and prolonged discussion; and to numerous motions, on all of which the yeas and nays were called. The majority was always against any interposition by Congress on the subject of slavery.

Some time afterwards, on the revival of the subject, in consequence of further abolition petitions, Mr. Adams, on application to the House, was permitted to give an explanation of his views, which appeared to have been greatly misunderstood, especially in the South, and because he had received letters threatening him with assassination for the course he had pursued on the subject. He said that his course had been dictated by a wish to preserve the right of petition: that he was not disposed to grant the prayer of the petitioners, to abolish slavery in the District; on the contrary, if the question were presented to him to-morrow, he should vote against it. Of that portion of the memorials he had presented which was opposed to the annexation of Texas, and asked for the suppression of the domestic slave-trade between the States, he was warmly an advocate, as he considered these subjects were under the control of Congress.

In a speech made by Mr. Clay, on the subject of the abolition petitions, he stated that he had always been in favor of receiving and referring them without opposition, and of having reports made against their objects in a

calm, argumentative appeal to the good sense of the whole community.

Mr. Cambreling, from the Committee of Ways and Means, on the seventh of January, made a full report on the state of the treasury, and the expenditures of Government, pointing out the great increase of the latter, and suggesting reform and economy.

A bill for the security of the public money in the hands of the officers and agents of the Government, was again introduced by Mr. Wright, in the Senate, on the thirtieth of January, 1839.

Mr. Wall, of the Senate, on the thirty-first of January, made a report on the bill to prevent the interference of certain Federal officers in elections, and recommended that the bill referred to them be not passed.

The Indians still remaining in Florida had renewed their outrages, though General Jessup had considered the war ended.

The bickerings which had taken place between the citizens of the United States and the British subjects on the north-eastern boundary, had gone on increasing, until they threatened another appeal to arms.

It being understood that there were trespassers on the public lands, orders were given by the authorities of Maine, in pursuance of which about twenty of the offenders were taken into custody. The land agent, Mr. McIntire, who commanded the arresting party, having left the main body, in company with four other gentlemen, to get lodgings for the night, was taken into custody by the trespassers; on hearing which, the forces of Maine remained quietly encamped, awaiting the orders of Governor Fairfield.

These facts were communicated by the Governor to the Legislature of Maine, then in session; also, that he



had despatched a special messenger to Sir John Harvey, Lieutenant-governor of New Brunswick, for the purpose of ascertaining whether these high-handed proceedings were authorised or countenanced by the Provincial Government, and to procure the release of Mr. M'Intire and his companions.

On the sixteenth of February, Governor Harvey issued his proclamation, in which he stated that two hundred persons, or more, from the State of Maine, had entered the Province of New Brunswick, for the professed object of exercising authority, who drove off persons said to be cutting timber therein, and had committed other outrages; and that other persons had taken up arms with a view of resisting such invasion and violence. All magistrates and sheriffs are ordered to aid in apprehending such persons; and, to assert the civil power, he had ordered a sufficient military force to proceed forthwith to the place where those outrages had been committed.

This difficulty immediately succeeding the part which the citizens of the United States were taking in behalf of the Canadian insurgents, seemed seriously to threaten an interruption to the good understanding which had for several years prevailed between this country and Great Britain. But the Governments of both nations were desirous of preserving peace; and, where that is the case, there is far less danger of war.

The proclamation of Sir John Harvey was communicated by Governor Fairfield to the Legislature of Maine. He said he had ordered out a large force — one thousand men — in addition to those who had been under the command of the land agent; and he had also sent a despatch to Major Kirby, of the United States artillery, asking his co-operation, if it should be required. He seems to be very indignant at the intrusion, as he con-

siders it, of these trespassers on the lands of Maine, and that the attempt to expel them should be styled "an outrage." Both Massachusetts and Maine had long been in the habit of granting permits to cut timber on the Aristook, the land now in question, and their right had never before been disputed.

The British Government maintained that it was to have exclusive possession of the disputed territory until the question of right was settled. The Governor of New Brunswick entreated the American forces to withdraw, as he had a strong force to support His Majesty's authority.

The course taken by the Governor of Maine to maintain the rights of the State was entirely approved by the Legislature, and both men and money were voted to make his efforts effectual.

Mr. Hunter, of the House of Representatives, made a report from a select Committee on certain resolutions relative to the collection and disbursement of the public money, the object of which was; first, to leave the money in the hands of the debtors to the Government until it was actually wanted, they paying interest on it: secondly, to set aside periodically certain days, at intervals of three months, for receipts and disbursements: thirdly, to diminish the risk of speculation, first, by this exchange of credit, and, second, by providing for cash transactions—that the money which was in the hands of the public officers should be limited to the demands upon them within twenty days: fourth, to introduce greater order and facility in the administration of the Treasury Department, by fixing these stated periods for receipts and disbursements, so as to enable the Secretary to know the time, place, and amount, both of the debits and credits.

The Committee, after reviewing the proposed system, think it recommended by several considerations, and accordingly advise its adoption.

On the twenty-sixth of February, a message was received from the President, communicating all the facts which had recently occurred between the citizens of Maine and the inhabitants of New Brunswick, as have been already stated. He justified the course taken by Maine; but, he added, that as the arrangement made between the two Governments relative to the disputed territory admitted of two constructions, he should propose to the British Government a further arrangement for the temporary and mutual exercise of jurisdiction, by which similar difficulties might hereafter be prevented. If this offer was not acceded to, he should propose to leave the points of difference to a third Power; and he could not think it proper to invoke the power of Congress to any other than "amicable means for the settlement of the controversy."

He had expressed to the British Minister here his confident expectation that the American citizens now under arrest would be released; and he had recommended that the militia of Maine should be peaceably disbanded. He urged the wisdom and policy of this course to the State of Maine; but the whole was submitted to the consideration of Congress.

The message gave rise to an animated debate, in which the course taken by Maine was vindicated, and the message and documents were then referred to the Committee on Foreign Relations.

The next day another message was received from the President, informing Congress that an arrangement had been made between Mr. Forsyth, Secretary of State, and Mr. Fox, the British Minister (so far as he had authority

to act without instruction), upon terms "upon which it was believed "that all hostile collision could be avoided on the frontier, consistently with the claims on either side:" which message was referred to the Committee on Foreign Affairs.

A bill was reported the same day, by Mr. Howard, from that Committee, by which the President was authorised to resist any attempt by Great Britain to enforce, by arms, her exclusive jurisdiction over the territory in dispute between the United States and Great Britain, and to employ the military and naval forces of the United States: and he was further authorised, in case of actual invasion, to raise a provisional force for five years, amounting in all to twenty regiments, for which purpose ———— millions were appropriated, which the Secretary of the Treasury was authorised to borrow.

Everything showed that the public mind in Maine was in the highest state of excitement, and that the people of the State were likely to be influenced, neither by persuasion nor threats, to surrender the lands on the Aristook to the exclusive jurisdiction of the British Government.

The bill reported by the Committee on Foreign Affairs, authorising the President to repel an invasion of the territory of the United States, was passed. The sum he was authorised to borrow was ten millions of dollars, and twenty-eight thousand dollars were appropriated for a special messenger to Great Britain.

In the Senate, the Maine controversy was not suffered to pass unnoticed. On the twenty-eighth of February, Mr. Buchanan having offered four resolutions in vindication of the rights of the United States, the same, with some modifications, were passed on the next day.

The first resolution says that the Senate can discover

no trace of any understanding, express or implied, much less of any "explicit agreement," as is now alleged, that the disputed territory is to remain under the exclusive jurisdiction of Great Britain.

Second. The Senate does not perceive that Maine has violated the spirit of the understanding between the two nations, by sending her land agent with a sufficient force for expelling lawless trespassers; both parties having a common right, and being bound by a common duty, to expel such.

Third. Should the British Government, in violation of the clear understanding of the parties, attempt to assume jurisdiction by military force, it will be the duty of the President to call forth the militia, and employ the military force of the United States to repel such invasion.

Fourth. That, should the British authorities refrain from a military occupation of the territory in dispute, then Maine should exercise a like forbearance. But should they refuse to do so, Maine should leave the vindication of her rights to the Government of the United States, to which it constitutionally belongs.

After much debate, the three first resolutions were passed by forty-four votes to one — the fourth resolution unanimously.

Such was the posture of affairs between the United States and Great Britain, at the termination of the twenty-fifth Congress. Until the message of the President, on the twenty-seventh of February, the collision between Maine and New Hampshire, together with the disturbances on the Canada frontier, threatened a rupture between two nations whose interests were vitally connected with peace.

When the boundary question assumed its most threat-

ening aspect, Mr. Van Buren, who had every motive, whether party, patriotic, or personal, for being opposed to war, had the precaution to despatch General Scott to the Maine frontier, with orders, it was said, to act as a pacificator, and to insist on the withdrawal of the armed force of Maine from the disputed territory.

This year, the practicability of ocean navigation by steam, about which the scientific world had been divided, was proved by the British experiment. From that time it steadily increased; and, as it shortens the voyage across the Atlantic more than one-half, it has prodigiously increased the traffic and intercourse between the Old World and the New.

## CHAPTER XXXI.

### VAN BUREN'S ADMINISTRATION.

1839—1841.

NOTWITHSTANDING the prudent course recommended by Messrs. Fox and Forsyth, to prevent any collision between the forces of New Brunswick and Maine, and the encouraging view taken by the President at the close of the session, matters still wore a threatening aspect on the north-eastern boundary. War, indeed, was professedly deprecated by both parties, and doubtless a rupture was desired by neither; but, in the mutual jealousy felt by the local authorities of each nation towards each other and in the excited state of popular feeling on both sides, when the forbearance of one party avowedly depended on the forbearance of the other, there was imminent danger of a conflict between the opposing forces while they were in the same vicinity.

On the twelfth of March, Governor Fairfield, in a long message to the Legislature of Maine, justified the course which that State had taken to prevent trespasses on the disputed territory. He emphatically denied the claim set up by New Brunswick to exclusive jurisdiction in that territory, and objected to the recommendation of Messrs. Forsyth and Fox as inconsistent with the established rights of Maine, and as wanting reciprocity. Resolutions were then offered in the Legislature, in support of the Governor's views, but so far qualified as to

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declare that, whenever Governor Fairfield should be satisfied that the Governor of New Brunswick had abandoned the purpose of occupying the disputed territory "with a military force," or of attempting to expel "the civil force sent thither, under the land agent of Maine," he was authorised to withdraw his military force, "leaving the land agent with a sufficient *posse*, armed or unarmed," according to circumstances, to drive off or arrest the trespassers.

Before any action was taken on these resolutions, General Scott arrived in Augusta, and, by his course, at once conciliatory and decisive, the difficulty was soon adjusted. After some preliminary correspondence, the General, on the twenty-first of March, wrote to Sir John Harvey, that, "being specially charged with maintaining the peace and safety" of the northern and eastern frontiers, and "having cause to apprehend a collision of arms between the proximate forces of New Brunswick and the State of Maine," he invited the Lieutenant-governor of New Brunswick to declare: That it was not his intention, under the expected renewal of negotiations between the Cabinets of London and Washington, without renewed instructions from his Government, to take military possession of the disputed territory, or to expel, by military force, the civil *posse* of the troops of Maine. He added his confident expectation, that such a declaration would be followed by a correspondent declaration on the part of the Governor of Maine: each party remaining in possession of that portion of the disputed territory which it then held.

This proposition was promptly acceded to by the Governors, Fairfield and Sir John Harvey; and Governor Fairfield having recalled the troops of Maine, and organized the civil *posse* to protect the timber in the disputed



territory, the dispute was completely and amicably terminated.

The judicious and efficient course of General Scott on this occasion, which he lost no time in communicating to Mr. Poinsett, the Secretary of State, greatly increased his popularity, and may have prompted his nomination for the Presidency soon after that negotiation; but as he was first brought forward by the Democratic party, to which the General had not previously belonged, a leading motive for the nomination might have been to weaken Mr. Clay's interest, and, at all events, to divide the Whig party.

At this time, Mr. Biddle resigned as President of the Pennsylvania Bank of the United States, assigning, as his reasons, the desire of rest from the labors of the situation, and the "great prosperity" in which he left the institution. Mr. Thomas Dunlap, a connection of Mr. Biddle, who had previously held the office of assistant Cashier, was appointed to succeed him.

The year 1839 was remarkable for a wild spirit of speculation in the Chinese mulberry, or *morus multicaulis*, with a view to the cultivation of silk, by which large sums were made by the few who had previously cultivated this plant, and correspondent losses were sustained by the purchasers, as they soon proved to be valueless, the silk manufacture not being adapted to the high price of labor in the United States.

The twenty-sixth Congress assembled on the second of December, when Hugh A. Garland, the former Clerk, who, by usage, continues in the office until another is elected, stated from his desk that, in conformity with former practice, he was ready to call a list of the Representatives, which, no opposition being made, he proceeded to do. When he reached New Jersey, after calling the

name of Joseph F. Randolph, he paused, and stated there were five of the six seats belonging to this State contested; and, not feeling it to be his duty to decide the question of right to those seats, he should pass over them until he had gone through the States, when he would submit the evidence in his possession of the rights of the several claimants.

A debate immediately arose, some of the speakers objecting to the course proposed, and others approving it. Mr. Maxwell, of New Jersey, then demanded that the Clerk should read the evidences in his possession; and that, if no flaw was to be found in "the certificates of election" of himself and his colleagues, that they should be admitted to equal rights with other members, none of whom would have higher pretensions on this floor."

The Clerk then stated that he had a certificate of the Governor of New Jersey, declaring William Halsted, John B. Ayscrigg, J. P. B. Maxwell, Thomas J. Yorke, and Charles C. Stratton, similar to Mr. Randolph's.

It was then debated whether the law of New Jersey concerning the evidence in elections, in favor of the opposing claimants, should be first read; and, before any vote was taken on that question, it was recommended to lay the whole matter on the table until a quorum was obtained, which was also opposed.

Mr. Halsted insisted that his name should be called, and relied upon the fact that he and five others had commissions under the broad seal of New Jersey, that attestation which represented the sovereignty of the State.

The postponement of the decision was, however, still insisted on, and objected to, by many speakers on the respective sides, until the evening, when the House adjourned. The next day, the members having been

called to order by the Clerk, the discussion was renewed.

The propriety of the Clerk's course was then questioned. It was defended by some, and arraigned by others, who urged that, after having called Mr. Randolph's name, he had failed to call the names of other members from New Jersey who had precisely similar certificates, though no one had expressed any objection to his going on. Some were for hearing the Clerk's explanation, and others objected; and the whole day being consumed in the discussion of this question, or of the subject generally, the House adjourned.

The following day—the fourth of December—Mr. Wise offered a resolution, that, to relieve themselves from their present embarrassment, the acting Clerk should call the names of those whose seats were not contested; and then, before they proceeded to elect a Speaker, or other officers, or organize, they should, if a quorum, proceed to decide upon all credentials, certificates, or commissions, of persons claiming seats.

Substitutes were then proposed to this resolution, and, without any decision, the members again adjourned.

On the fifth, the discussion was renewed; and a resolution offered the day before by Mr. Graves was renewed by Mr. Adams, that the Clerk proceed with the call of the members, calling those from New Jersey who hold the regular and legal commissions—Mr. Adams appealing to the members from the decision of the Clerk to postpone the call of the New Jersey members. This proposition gave rise to much discussion and confusion as to the right of the Clerk to put a question, or to answer an inquiry.

Mr. Rhett, of South Carolina, then proposed that Mr. Williams, of North Carolina, the oldest member of the

House, be appointed Chairman until the House be organized. Upon his objecting to the appointment, after some further conversation, in which the Clerk's statement that he was arrested in the call, was contradicted,

Mr. Rhett then proposed that Mr. Adams should act as temporary Chairman, and put the question himself, which was carried apparently by a large majority. Mr. Adams was then conducted to the chair. After much confusion, the House adjourned.

On the sixth, Mr. Rhett moved that the resolution offered by Messrs. Graves, Adams, and Wise, successively (to call the members from New Jersey who had certificates of election), be laid on the table, that he might offer one, to proceed to call the names of those whose seats are not contested, and then (if a quorum) proceed to decide upon the elections of all claimants.

This gave rise to much debate, which continued until the House adjourned.

On the seventh, Mr. Adams gave an explanation of his decision the day before, that the tellers must count the votes of the persons who had commissions from New Jersey, and none others.<sup>1</sup> After this explanation, the debate was renewed, and continued, as before, without any decision until the House adjourned.

On the ninth, various points of order which had arisen on Saturday, the seventh, were discussed and settled, and documents were read, which, with a speech from Mr. Duncan, of Ohio, occupied the day.

On Tuesday, the tenth, the previous question being sustained by one hundred and ten votes to seventy-two, the question, whether the decision of the Chair should stand as the judgment of the House, was decided in the

<sup>1</sup> There had been an appeal from the decision of the Chair.

negative by one hundred and fourteen votes to one hundred and eight.

As this decided that the members of New Jersey who had the Governor's certificate should not vote on the question, it created great sensation and confusion in the House.

Mr. Wise then moved that, since the members who had the Governor's certificate were excluded, the other members be allowed to vote: on which Mr. Adams remarked that New Jersey could not be deprived of her vote, and should not be, as long as he had a seat as Chairman.

A state of extreme confusion and excitement ensued. On the question for laying Mr. Graves's resolution on the table, there were one hundred and fifteen yeas to one hundred and fourteen nays, and the Chairman voting in the negative there was no decision; soon after which the House adjourned.

On the eleventh, after an irregular debate, the right of Mr. Naylor, of Pennsylvania, in preference to Mr. Ingersoll, was decided by ayes one hundred and nineteen, nays one hundred and twelve. The right of Mr. Ingersoll was unanimously negatived. The right of Dr. Aycrigg — ayes one hundred and seventeen, noes one hundred and twenty-two. The right of Mr. Maxwell — ayes one hundred and sixteen, noes one hundred and twenty-two. The right of the other Whig claimants, who had the Governor's certificate, was decided in the same way.

The vote was then taken on Mr. Wise's proposition, to admit the New Jersey members. It was negatived by one hundred and eighteen votes to one hundred and sixteen.

On the twelfth, after some discussion on minor points, and the members had been called by the Clerk, Mr.

Randolph, of New Jersey, then offered a protest, signed by himself and his colleagues, against their exclusion, as illegal and unconstitutional; and, amidst much confusion, the entering the protest on the journal was vehemently opposed, and the motion was rejected by one hundred and seventeen votes to one hundred and fourteen.

A motion was then made that a select Committee of seven be appointed, to whom all the papers relative to the contest for seats from New Jersey should be referred for their report, which was carried. On a motion to reconsider this vote, the House adjourned.

On the thirteenth, the first subject was a motion to amend the journal, which described the protest as a paper purporting to be a protest, instead of inserting the paper itself. This motion was opposed, and was laid on the table by one hundred and fifteen votes to fifty-one. The motion to reconsider was then carried.

Mr. Wise then moved that Messrs. J. B. Ayscrigg, Maxwell, Halsted, Stratton, and Yorke, are entitled to their seats, which he afterwards modified with this addition, "leaving the question of contested election to be afterwards decided by the House;" and on the question being taken, there were one hundred and seventeen in favor of it, and one hundred and seventeen against it—so it was not adopted.

A resolution was then offered that the House proceed to elect a Speaker, which gave rise to an angry debate; but a motion was then made by Mr. Proffit, who had voted with the majority on the call of the previous question, with a view to propose that, in the election of Speaker, the New Jersey members were entitled to vote; which motion was debated until the House adjourned.

The next day—the fourteenth—the House pro-

ceeded to the choice of a Speaker, when, after repeated ballotings by the two parties — by the Whigs for John Bell, of Tennessee, and by the Democrats for J. W. Jones, of Virginia — neither having obtained a majority, and the question having been again made to count the votes of the members from New Jersey, the balloting was renewed; but no choice having been made after the sixth ballot, the House then adjourned.

On Monday, the sixteenth, after five more ballotings, Mr. R. M. T. Hunter, of Virginia, was elected by one hundred and nineteen votes, one hundred and fifteen being necessary to a choice. This choice was effected by the votes of the Whigs, and the States Rights party of the South, to which Mr. Hunter was considered to belong.

The right of the New Jersey members was again made the subject of discussion, but before any vote was taken on it, the House adjourned.

The same discussion was renewed on the following day, and, after a motion to refer the papers relative to the election to the Committee on Elections, the House adjourned.

The nineteenth of December was passed in the same way, with the same result.

On the twentieth, a resolution was offered, that the Representatives advise and request the Speaker to administer the oath required by law to the five members from New Jersey who have produced credentials of their election; and the vote on it was ayes one hundred and twelve, noes one hundred and sixteen — so the motion was rejected, and the House adjourned.

The following day was spent in choosing a Clerk, and other officers, when Hugh A. Garland receiving a majority of the votes (one hundred and eighteen), was elected Clerk.

On the twenty-second, the election of a public printer gave rise to much debate; but before any vote was taken, the House adjourned.

The day after, three weeks and a day since the two Houses met, the President's opening message was received.

The controversy respecting the New Jersey members was looked at by the Whig party with great feeling, as an outrage on the rights of a sovereign State, and on those of their own party — there having never before been any question that the persons who had the certificate of the State Executive should be entitled to their seats in the first instance, until they were found, on an investigation by the House, to be, on some account, illegal.

The President adverted to the ravages of fire and disease, from which some portions of the country had suffered, and to the consolation of an exuberant harvest.

The foreign relations of the country remain nearly as they were, thanks to the pacific, just, and forbearing policy adopted by the Government. The project for the settlement of the north-eastern policy had been favorably received by Great Britain; and he is persuaded that she has the same desire as the United States for the early and amicable settlement of the controversy.

He had also called attention to another unsettled point in our boundary — the line from the entrance of Lake Superior to the most north-western point of the Lake of the Woods. The Commissioners under the treaty of Ghent differed on this point, and their differences were to be submitted to some friendly sovereign or State.

As the disturbances in Canada have been settled, they will not be likely again to prove the source of border



contentions between the two countries. The misguided sympathy of many of our citizens had been severely rebuked by public sentiment. But it had been otherwise in Canada: the hostility which had been there evinced towards our people and institutions, and the disregard of our rights occasionally manifested there, have been applauded by the people, and even by some of the subordinate local authorities of the Provinces. He looks forward to the time when all the transactions which have been the subject of complaint by the two Governments will be examined, and the proper satisfaction given where it is due.

With the other Powers of Europe we have an entire good understanding.

The convention for the settlement of our claims with Mexico has not yet been ratified; but she had offered an explanation, which had been received, and a new convention had been agreed on.

The new Republic of Texas has shown a desire to cultivate our friendship.

Notwithstanding the difficulties arising from the bank suspension, the financial operations of the Government have been very successful. The nineteen millions of treasury-notes have been so punctually redeemed as to leave less than the original ten millions outstanding at one time. Most of these are due next year, and, with proper economy, may be then redeemed. This policy he earnestly inculcates, especially when the revenue is diminishing, by reason of the Compromise act. The financial operations of his Administration are then reviewed, by way of showing the difficulties he had to encounter.

The pre-emption law, in favor of settlers on the public lands, has been so far successful, and a graduation law is again recommended.

The attempt to conclude the war with the Florida Indians had been unsuccessful; regardless of their engagements, they have again committed acts of treachery and murder. The plan of operations suggested by the Secretary of War is recommended to their consideration. Some suggestions are made concerning both the army and navy.

The abuse of the American flag in the slave-trade he notices as requiring legislative provision. Favorable accounts are received from the exploring expedition.

Legislative provisions relating to the post-office are suggested, especially concerning the transportation of the mail on railroads, and in steamboats.

A reform in the organization of the Federal Circuit Courts is suggested as necessary by the increase of business, and its unequal distribution.

The subject of the safe keeping and disbursement of the public money is again pressed on their notice, the custody of which is now very unsafe.

He speaks of the efforts made by the officers of the Government to collect and disburse the revenue; of the success that has attended those efforts, in collecting sixty-six millions of dollars without the loss (exclusive of the defalcations of the collector of New York) of more than sixty thousand dollars; and adds, that "the desired legislation of Congress is alone wanting to insure," in these financial operations, "the highest security and facility." He relied on the example of other nations, and says that, in twenty-two out of twenty-seven foreign Governments, the public moneys are in the charge of public officers.

The dissolution of all connection between the Government and the banks, which he had advised, and which had been favorably received by the public, is still fur-

ther recommended by the late suspension, which recurred in two years and a half after the first, without any visible satisfactory excuse. They were not driven to it by a loss of public confidence, or by a sudden pressure, but merely because the demand for specie to go abroad would require a curtailment of their loans. Necessity is no longer the plea, but mere convenience is deemed a sufficient justification for their suspension. To this indefensible course taken by many of the banks there are, however, many praiseworthy exceptions.

Further abuses of banking—in fostering a spirit of speculation, by their large credits, by becoming borrowers themselves, by speculating in stocks and merchandise—are noticed, and their mischievous consequences pointed out. They have not been confined to small banks; but the largest in the Union (the Pennsylvania Bank of the United States), when said to be entirely sound and prosperous, was unable to resist these effects, and the first to yield to them. The mischief is the greater from their dependence on one another, and, to a considerable extent, on the money power of Great Britain—so that pecuniary difficulties in that country are more or less felt in this. The mischief, and the dependence it produces in this country on foreign countries, is illustrated by the strange fact, that we now feel more solicitude about the state of the English harvest, not with the view of improving our own market for our staples, but from feverish anxiety lest a failure of the crop in that country should narrow the field of credit there, and thus affect the money market here.

He then enters into a full discussion of the arguments that have been urged against the exclusive use of a metallic currency by the Government. He says that amount of specie in the country is eighty-five millions,

and the amount employed at any one time by the Government would not exceed four or five millions. He speaks of the aid afforded by treasury-drafts; of the tendency of the supply of gold and silver to equal the demand; of the salutary check the proposed scheme will have on the banks themselves, in aid of the supervision to which they are subjected by the States which create them. He denies that this salutary control can be as well effected by a National Bank; but, in all cases of a redundant circulation, that Bank took the lead: and such, he thinks, is the conviction of the American public, as well as his own.

The remedy for the evils of the depreciated currency issued by the banks is chiefly with the States; but it is the duty of the General Government to co-operate with them by the exercise of its constitutional powers.

The weight which presses upon a large portion of the people and the States is "an enormous debt, foreign and domestic." It is now scarcely less than two hundred millions, the interest on which must cut off imports to that extent. He finds consolation in a change in the public feelings as to the policy of thus running in debt. Now that the balance of trade is against us, our lately plentiful crop will contribute largely to our relief. The only efficient mode of relief is not in the creation of new banks, or greater issues, or new loans, but by curtailing public and private expenditure.

There are difficulties in reform; besides honest doubt, there are interested motives for perpetuating error; and time and experience were necessary to enlighten the public mind. He has no doubt, from the intelligence of the people, that it will finally see what is true wisdom and policy, and adopt the appropriate remedies. He has felt it to be his duty to present his views fully and fairly,

and will cordially co-operate with them in the reformation required.

Mr. Calhoun having introduced a bill to cede the public lands lying within the limits of any State to each State, was the occasion of an unpleasant personal altercation between him and Mr. Clay.

Soon after the bill was introduced—the third of January, 1840—Mr. Clay said he was not present when Mr. Calhoun introduced his bill, and he wished to know whether the measure had the approbation of the Administration. He should not have made this inquiry, if the recent relation between the Senator who introduced the bill and the head of that Administration continued to exist; but, according to rumors, those relations had lately undergone an entire change, and had been substituted by others of a friendly and confidential nature. At all events, it was desirable to know how the Administration stood towards this bill.

Mr. Calhoun replied, with some warmth, that no man had as much occasion for delicacy in referring to political compromises as the Senator from Kentucky. He had referred to certain passages in which Mr. Calhoun was charged with changing his political relations. He had found it impossible to avoid these accusations: but he had not changed at all. He stood now where he always stood. He had, with others, succeeded in expunging the whole of the Senator's American system; and it gave him pleasure to state that most of the measures of the present Chief Magistrate were approved by him.

Mr. Clay, in reply, remarked that the rumors he had heard turned out to be correct; and he must now be regarded as a supporter of the Administration. As to the allusion made by the Senator to his support of another Administration, he said it was an old story, and

had long been sunk in oblivion, except when the Senator, and a few others, thought proper to bring it up. He showed his motives for preferring Mr. Adams to the other two candidates; and if there was any truth in history, the Senator from South Carolina had made the same choice, and experience had shown its propriety.

The Senator had alluded to him as the advocate of compromise — certainly he was, and no one should be more grateful for that compromise than the Senator from South Carolina. But for that compromise, he was not confident he should now have the honor of meeting the Senator in this Capital. The Senator professed to be the friend of State rights, but his bill proposed to strip seventeen States of their rightful inheritance.

Mr. Calhoun said the Senator from Kentucky had mistaken the character of the bill. It was indispensable to the peace of the country. He was not thankful for the compromise. He knew the Senator could not avoid it. He was Mr. Clay's master on that occasion, and forced it on him. He had written home that the Senator would be obliged to yield to a compromise. It was the effect of nullification. General Jackson, and a Senator not now present (Mr. Webster), had supplanted him with the manufacturers. It was necessary that either he (Mr. Clay) or the American system should fail. On the third day of the session he had predicted that the question would terminate as it did. Neither he, nor South Carolina, owed the Senator any gratitude; the Senator was compelled to break down the system at one decisive blow.<sup>1</sup>

<sup>1</sup> On this occasion Mr. Calhoun did not speak the sentiment of his State, nor his own, when the compromise took place. A year or two afterwards, I met with a distinguished statesman of South Carolina in New York; and he took occasion to say that South Carolina could

Mr. Clay, indignant at this gross perversion of facts, as he supposed, and at the unwarranted assumption of superiority, after expressing his regret that he should prolong this discussion, into which he had been unwillingly drawn, replied<sup>1</sup> to the personalities of Mr. Calhoun in the most scornful and offensive terms. But, regaining his self-possession, he thus proceeded: — “Sir, what was the case? I introduced the compromise, in spite of the opposition of the gentleman who is said to have robbed me of the manufacturers. It met his uncompromising opposition. That measure had nothing, on my part, personal in it. But I saw the condition of the Senator from South Carolina and his friends. They had reduced the State, by that unwise measure (nullification), to a state of war, and I wished to save the effusion of human blood. That was one motive; but another was a regard for that very interest which the Senator says I helped to destroy. I saw that this great interest had got so in the power of the Chief Magistrate, that, at the next session of Congress, the whole protective system would be swept by the board. He therefore desired to give it at least a lease for years.”

But the Senator says that, from the day of the compromise, all obligations were cancelled that could, on account of it, rest on him, on South Carolina, and on the South. He asked what right the Senator had to speak in the name of the whole South, or even of South Carolina; for, if we may judge of the future from the past, never forget that Mr. Clay was not willing to see her disgraced, or exposed to the risk of disgrace; and, on a proper occasion, she would show her sense of his services. She, however, never has shown it, for the rival ambition of her favorite son stood in the way of it; and a majority of her citizens was always ready to endorse his policy and sentiments.

<sup>1</sup> Niles's Register, Vol. LVII., page 317.

the time will come when he cannot propose to be the organ of the chivalrous and enlightened people of South Carolina.

He was not one of those who are looking out for what may "enure" to themselves. His course was nearly run. He had nothing to ask of the South, of South Carolina, or the country at large; but he will go into retirement with the undying conviction, that he had endeavored to serve and save the country, faithfully and honorably, without a view to his own interest and aggrandizement; and of that conviction no human being, nor all mankind, could deprive him.

Both Mr. Calhoun and Mr. Clay, aware that, in thus bandying personalities, they were exhibiting a spectacle unworthy of themselves, concluded it with disclaimers of having sought or provoked it, and each ascribing it to his adversary.

It having been stated, in some of the journals, that the Secretary of War had ordered the importation of bloodhounds from the Island of Cuba, to be used against the Florida Indians, Mr. Proffit, of Indiana, on the twentieth of January, 1840, offered a resolution, in which the Secretary of War was required to inform the House whether he had authorised the use of *bloodhounds* against the Florida Indians, the number ordered, and the name of the officer under whose charge they are to be used; but some member objecting to it, Mr. Proffit withdrew it.

This day was occupied chiefly in debating the course to be pursued by the House towards petitions for the abolition of slavery in the District of Columbia. The principal point in dispute, whether such petitions should be laid on the table, or subjected to the motion of adoption or rejection, no decision was made.



A communication was made by Governor Fairfield to the Legislature of Maine, on the third of January, 1840, in which he complains that the spirit of the recent agreement entered into, respecting the north-eastern boundary, had been violated by stationing one or two companies of British troops at Temisconte Lake.

Sir John Harvey admitted the fact, but said that this small detachment had been stationed merely for the protection of certain buildings constructed for the accommodation of Her Majesty's troops, on their march from the Upper to the Lower Provinces.

In Governor Fairfield's letter to the President, he further states that the British were erecting barracks on both sides of the St. John's, near the mouth of the Madawasca, and that troops were collecting at Grand Falls.

On the thirteenth of January, Mr. Hugh L. White, of Tennessee, made a speech, announcing his intention not to obey the instructions received from the Legislature of that State to vote for the sub-treasury scheme, and also to resign his office of Senator.

The President communicated the information asked for by the Senate respecting the North-eastern boundary, which had been the subject of a correspondence between Mr. Forsyth and the British Minister, Mr. Fox.

The latter, in answer to Mr. Forsyth's inquiries, says that Her Majesty's authorities have rigidly adhered to the agreement entered into, respecting this boundary, in February and March last; but that the same correct and scrupulous observance has not marked the conduct of the people of Maine. He then details the particular acts on which he relies, and, protesting against the encroachments of Maine, appeals to the Government of the United States, that, whenever a practical adjustment of the boundary line shall be obtained, no minor occasion

of dispute may remain to obstruct a final and friendly settlement of the controversy.

Mr. Forsyth controverts the grounds of complaint urged by Mr. Fox, and the charge of violating the agreements urged against Maine; and he remonstrates against the stationing of troops on the St. Johns, as a clear violation of the agreement.

Mr. Fox, in his reply, in an amicable tone, urges the same points as before, and justifies the reinforcement of military posts as defensive and precautionary measures, without any intention of infringing the terms of the temporary engagements.

Mr. Forsyth, in his answer of the sixteenth of January, says, after replying to parts of Mr. Fox's letter, that he is instructed by the President to state that he sees no reason to doubt the disposition of the Governor of Maine to adhere scrupulously to the existing arrangements; but he is bound to declare that a persistence in the acts of Her Majesty's agents now complained of, would, if avowed by Great Britain, be considered as little in accordance with the friendly assurances made to the United States.

The Secretary of State then wrote to the Governor of Maine; and, after reciting the several complaints urged by Mr. Fox, of the proceedings of the State of Maine, in violation of the agreements heretofore made between the two Governments, concludes with expressing the President's "anxious desire that no occasion should be permitted to call in question the faithful observance, by the Governments of the United States and Maine, of the arrangements made on the subject; and a wish that the Governor would transmit such information as he may possess in relation to the acts referred to, that an appro-

priate answer may be returned to Mr. Fox's communication.

The Governor of New Jersey forwarded to Mr. Hunter, not as Speaker of the House, but as Representative from Virginia, the resolutions of the Legislature of that State, touching the exclusion of her delegation. But Mr. Hunter, conceiving that he was addressed on account of the station of Speaker which he then occupied, said he could not receive a communication not made to him in that capacity, and of course declined presenting the resolutions.

The next day, after the journal was read, Mr. Randolph moved that they be inserted in the journal; on which a debate arose, and, before any vote was taken, the House adjourned.

The next day the Speaker proposed to read the correspondence between him and the Governor of New Jersey, which was accordingly done. The subject was again debated; and, on the question whether the report of the minority of the Legislature of New Jersey, which had been communicated by the Speaker, should be laid on the table, it was decided in the affirmative,

The discussion of the dispute between Maine and New Brunswick was renewed early in March, and the affair seemed to be as far from adjustment as ever. On the sixth of March, Mr. Forsyth wrote to Mr. Fox, inquiring as to the precise character and extent of the occupation of the disputed territory by Her Majesty's troops; and he referred to certain depositions which he had previously submitted to Mr. Fox, and which were at variance with a statement made by Mr. Fox in January preceding. He also referred to several facts which he said were inconsistent with the assurances previously given by the British Government.

Mr. Fox replies that the points of variance stated by Mr. Forsyth, after deducting what is "fanciful and conjectural," are not material. He says that the British force employed was only one hundred and seventy-five men; and he contrasts the acts of aggression on the part of Maine with those of mere defence on the part of his Government, which, he averred, had not strengthened its military means, though the attitude assumed by Maine would well justify such means.

This correspondence having been communicated to Congress, Mr. Williams, of Maine, in his comments on it, complained of the inaction of the General Government, while the adverse interest had been sustained, and seemed about to be enforced by the British Government. "Shall we be blind," said he, "to the recent augmentation of troops in the Provinces; to the construction of military posts upon our whole northern and eastern frontiers; to the making of roads for the speedy movements of troops, and the erection of buildings for their accommodation?" "Maine," he said, "does not desire, by any act of hers, to bring on a war; but she ought not and cannot suffer a portion of her territory to remain in the military occupation of foreign troops."

On the twenty-sixth of March, the President communicated the further correspondence between Messrs. Fox and Forsyth. Mr. Fox, on the thirteenth, writes to Mr. Forsyth, complaining of the frequent acts of aggression on the part of Maine, and urging that the British Government expects the people of that State to place themselves in the same situation as that in which they stood before the agreement of the preceding year was signed: that they shall therefore retire from the Valley of the St. John's, and confine themselves to the Valley of the Aristook, for the stipulated purpose of preventing

depredations: that they shall not construct fortifications, or make permanent settlements: and that, if these acts be persisted in by Maine, Her Majesty's Government will "feel it their duty to make such military arrangements as may be required for the protection of their rights: adding, that the responsibility for any collision which may result from the unjustifiable proceedings of Maine will rest with the people and Government of the United States.

Mr. Forsyth, in his reply, combats Mr. Fox's views, and, at much length, aims to disprove any infraction by Maine of the agreement made between the two countries. He expresses the President's painful surprise that the British Government should justify a military preparation for a collision with the unarmed inhabitants of a friendly State. He admitted that, if all military interference was not arrested, the evil predicted by Mr. Fox might unfortunately occur; but that no apprehension of the consequences would divert the people and Government of the United States from fulfilling their duty to the State of Maine. He then refers to the President's offer to submit the decision of the question to a third party; states that he has been, in all his subsequent steps, actuated by the same spirit; and that, under these circumstances, he cannot apprehend that the responsibility for any unfortunate consequences will be imputed to the United States.

Mr. Fox closes the correspondence by stating that he should transmit Mr. Forsyth's note to Her Majesty's Government, to which he should add nothing but a distinct and formal repetition of the fixed purpose of his Government.<sup>1</sup>

The Governor of Maine insisted on the propriety of

<sup>1</sup> Niles's Register, Vol. LVIII., page 67.

the course taken by the State, and renews the charge of a violation of the agreement between the two Governments by the British authorities. He adds that, though Maine had not yet taken military possession of the disputed territory, a continued disposition on the part of the British Government to delay a settlement of the question would, he thinks, induce such a step, whatever might be the consequences.

In Governor Fairfield's letter to the President, after stating the facts, and noticing the erection of barracks near the mouth of the Madawaska by the British, he calls upon the Government of the United States to protect the State of Maine from invasion, according to the guarantee of the Constitution.

On the twenty-first of January, Mr. Clay made a speech against the sub-treasury bill, and was replied to by Mr. Buchanan.

Some opinions having been thrown out that Congress might assume the payment of the State debts, as had been done with the debts contracted during the Revolution, Mr. Benton, by way of removing all doubt on the subject, offered some resolutions, which pronounced such assumption unauthorised by the Constitution, and that the measure would be, moreover, unjust, unwise, impolitic, and dangerous; which he supported by a long, argumentative speech.

Mr. Calhoun having made a speech against protecting duties, in which he had undertaken to show — first, that every addition to the tariff is a tax on exports; second, that it produces an expansion of the currency; third, that the South and West are the great consumers of the manufactures of the North and East; that the capacity of the South to consume depends on her great staples, and that the sale of these depends mainly on a foreign

market; fourth general proposition of his is, that the removal of duties increases the export of articles manufactured at home; and lastly, that the whole system of protection was prostrated by the State interposition of South Carolina.

All these positions Mr. Webster examined, and replied to some of them most conclusively.

Mr. Davis, of Massachusetts, replied to Mr. Buchanan's argument in favor of the sub-treasury scheme.

This being the year for electing a President and Vice-President, the two great parties assembled in convention, for the purpose of nominating their respective candidates. The Whigs, indeed, assembled at Harrisburg as early as December; and, of the three nominees—Henry Clay, William H. Harrison, and Winfield Scott—although Mr. Clay had more votes than either of his competitors, he was not able to obtain a majority; but, by a union of the friends of Scott with those of Harrison, the latter obtained the nomination, and John Tyler that of Vice-President.

The Democratic party also met at Harrisburg, in March, and nominated Martin Van Buren for President, and R. M. Johnson as Vice-President.

But a second Whig convention was proposed to be held in Baltimore, by the young men of the country; and the enthusiasm with which this invitation was received and acted upon, had never been equalled on a similar occasion.

On the fifth of March, Mr. Campbell, from the Committee on Elections, reported that, according to the evidence before it, a majority of the lawful votes were in favor of the five claimants who had not received the certificate of the Governor and Council.

Mr. Fillmore moved that the report be recommitted,

on the ground that some of the votes counted by the Committee appeared, by testimony in possession of the House, not to be legal (those given at South Amboy and at Melville), whereas the resolution of the House required them to count only "lawful votes."

This motion was opposed, and the discussion delayed and interrupted by every species of parliamentary tactics until the tenth; but the greatest perseverance was manifested by Mr. Fillmore; and, on an amendment to his resolution, it was decided, by one hundred and eleven votes to eighty-one, that the five members not returned were entitled to their seats. This seemed to be a pure party vote.

The cardinal point in the question was, whether the votes of Amboy and Melville should be counted; for, if they were, then the decision of a majority of the Committee and the House was right; if they were rejected, then the five members returned had a majority, and the decision was wrong.

This contest excited much interest throughout the country, but especially the refusal of the House to admit, in the first instance, the members whom the Executive authorities of New Jersey had returned as their Representatives. This decision appeared to be an infringement of the rights of the States, which, if it became a precedent, might give to a party majority in Congress the means, as well as temptation, to deprive their opponents of their rights, and even enable a minority to constitute itself a majority.

On the real merits of the rival claimants, there was room for a difference of opinion. If the election laws of New Jersey were disregarded, there was probable evidence that the five members not returned had received a majority of the votes; and they, therefore, had those



members who looked only to the popular will, in their favor. But, as the expression of this will is under the control of the law, which is itself evidence of a higher and more deliberate will, it seems clear that votes not taken according to law should not be counted; and the presumption was, that the State authorities were the soundest and safest interpreters of State laws.

The report made by the majority of the Committee on Elections disclosed the grounds upon which they narrowed the construction of the words "lawful votes;" and the minority report shows the grounds upon which the course of the majority was assailed.

It should further be stated, that the report of the minority had been suppressed by the previous question, and was afterwards refused admittance by a direct vote of the majority. The minority, therefore, in an address to the American people, communicated their report. It was signed by four of the nine members.

The majority of the Committee thought proper to answer the address of the minority to the American people, by a similar address, the main part of which was signed by three members together, and special answers given by Charles Fisher, and John Campbell, the Chairman.

In the meanwhile, the excluded members, who had received the Governor's commission, employed themselves in taking testimony to show that they had received the greatest number of legal votes, which evidence was, from time to time, transmitted to the Committee for their final decision. This did not take place till the end of the session; but the Committee then conformed to their first decision on the *prima facie* evidence.

On the thirteenth of March, 1840, Mr. Calhoun offered a resolution, that a ship on the high seas, in time of

peace, engaged in a lawful voyage, is, by the law of nations, under the exclusive jurisdiction of the State to which her flag belongs, as much so as if it constituted a part of its domain.

That the brig *Enterprise*, which was forced, by stress of weather, into Bermuda, while on a voyage from one part of the Union to the other, was within the principle of the preceding resolution: and that the seizure and detention of the negroes on board, by the local authorities of the island, was an act violating the law of nations, and unjust to our own citizens, to whom they belong.

Mr. Calhoun said that the case mentioned in the resolutions was one of those which had been long a subject of negotiation between the two Governments; the other two were the cases of the *Comet* and the *Encomium*, which he stated, both of which were also stranded vessels on the Bahamas. He then examined the ground taken by the British Minister in discussing these cases, and insisted that it was altogether untenable by the law of nations. The resolutions were referred to the Committee on Foreign Relations.

It appeared, by a message received from the President on the twenty-seventh of June, that the British Government had consented to the last proposition made by the United States for the settlement of the north-eastern boundary. He also suggests that the *ex parte* report of the British Commissioners, which expresses the opinion that the true line of the treaty of 1783 is different from that so long contended for by Great Britain, will probably be used hereafter by that Government in the discussion of the question of boundary. As this line differs greatly from the line claimed by the United States, he asks that, if Congress concurs with him, a provision

should be made by law to enable the Executive to carry it into effect.

The correspondence between Mr. Forsyth and Mr. Fox show the previous points of difficulty in agreeing on the mode of adjustment.

The sub-treasury law, after three years' discussion, was finally enacted. It passed the House of Representatives, on the first of July, by one hundred and twenty-four votes to one hundred and seven.

According to this law, the places of deposit for the public money were the mint and branch mints of New Orleans; the custom-houses in New York and Boston; and offices in Charleston, South Carolina, and St. Louis, Missouri; and four receivers-general at New York, Boston, Charleston, and St. Louis, who, with the Treasurer, and the treasurer of the mint, were to keep the money of the United States. They shall make transfers, and accept drafts; and their accounts are subject to the inspection and examination of agents appointed by the Government. Various guards are provided as checks on these officers.

In Mr. Webster's speech at Saratoga, in August, we have an account of General Jackson's first opposition to the Bank, which had never been heard of during Mr. Adams's administration, or in his own inaugural address.<sup>1</sup>

The report of the British Commissioners concerning the north-eastern boundary, showing that the true boundary line, under the treaty of 1783, had been misunderstood, and denying that there was any ridge or highlands, as the United States agents had assumed, was very fully scrutinized and answered in the New York Courier and Enquirer of the fourth of September, 1840, which insisted on the existence of the highlands or ridge,

<sup>1</sup> Niles's Register, Vol. LIX., page 10.

and attributes the contrary assertion to G. W. Featherstonhaugh, who had left the employment of the United States to enter that of Great Britain, and who had diverted inquiry from the real question, "which is purely the true direction of the highlands which divide the rivers that fall into the St. Lawrence from those that fall into the Atlantic Ocean."<sup>1</sup>

According to the report of the majority<sup>2</sup> of the Committee of Elections on the contested election of New Jersey, made to the House on the sixteenth of July, 1840, the five Administration candidates, who were not returned, were entitled to their seats; but, according to the report of the minority,<sup>3</sup> three of the returned members were duly elected, and two of the Administration members, viz.: Peter D. Vroom and William R. Cooper.

The interest which this election had excited throughout the Union induced the public every where to look with great anxiety at the approaching elections in that State; and the Whigs were highly gratified to find that the popular vote in the State had vindicated their course, and rebuked that of their opponents. In the Legislature, the Whig majority on joint ballot had been increased from sixteen to thirty-seven; and, in the election of members of Congress, the five returned members whom Congress had ousted of their seats, were all elected by a majority each of more than two thousand votes over their opponents. The result of this assertion of her rights as a sovereign State was the theme of emphatic congratulation in the opening message of Governor Pennington to the Legislature.

From the time that Congress adjourned in July, and, indeed, for some time before, a most active canvass for

<sup>1</sup> Niles's Register, Vol. LIX., page 25.

<sup>2</sup> Ibid., page 60.

<sup>3</sup> Ibid., page 73.

votes in the Presidential election was carried on. The Whigs, who had been excluded from power in the Federal Government for twelve years, and were in the minority both in the National Legislature and in the nation for some years while they held the power, were ardent and untiring in their efforts to regain the ascendancy. With thousands and tens of thousands of intelligent and independent citizens of both parties it was not, however, a struggle for power and office, but they conscientiously believed that the political principles of their opponents were dangerous to the true and lasting interests of the Republic. The Whigs believed that it was the purpose of the Administration party to continue in power by fostering the vulgar prejudices of the poor against the rich, and, under the cry of bank influence, to excite ill feeling against all people of property, by flattering the passions and antipathies of the multitude, however wild or unjust, so that they could thereby secure for themselves the confidence of the people, and consequently their votes: that, under the show of being the friend of the people, General Jackson had attained that point of influence, that his will was resistless — no one of his own party daring to oppose it, for fear of being denounced and ejected from the party; and any opposition by a Whig being sure to be outvoted by their adversaries. The country, then, with the forms of a Democracy, was, in fact, subjected to the will of one man.

The Democratic party, on the other hand, believed that the power of the moneyed interest, when concentrated and embodied in such an institution as the United States Bank, was dangerous to the power of the States, and might be used to introduce, by degrees, a form of government favorable to a privileged class, and subversive of the fundamental principles of equality and of free

government. All that had ever been regarded as dangerous in the principles of Alexander Hamilton, and the old Federalists, they considered to be naturally allied to the principles of the modern Whigs, whom, indeed, they regarded as Federalists, under the cunning disguise of a new name, and whom they were now called upon to combat and put down, as had been done by the Republicans under the elder Adams.

The pecuniary difficulties of the country, attributed, as usual, by the people to the errors of the Administration, and in part clearly traceable to their course, came to the aid of the Whigs, and secured to them a complete triumph.

The Administration party did not, however, yield without a struggle. They had able men in their ranks, who exerted themselves to enlighten the public mind, especially on the subject of the currency, and to show that the policy which they advocated, of separating the Government from such miserable institutions as the banks had proved to be, was not merely safe, but was necessary. A Democratic portion of the New York Legislature put forth a long and able manifesto in defence of Mr. Van Buren's policy; and his friend, Mr. Silas Wright, whose talents were of a very high order, and whose private character was particularly estimable, by several public addresses, was a most efficient vindicator.

The Whigs also called their ablest men into the field; and Mr. Webster, Mr. Clay, and others, made powerful appeals to the reason and understanding of the American people. Nor was this all. The Whigs enlisted a new agent in this service. Knowing how much they had suffered from popular delusion, they also addressed themselves to the mere feelings of the people by immense public meetings, where songs and music, made to kindle

enthusiasm among themselves, and to cast ridicule, odium, or contempt on their adversaries, lent their powerful aid. and their success appeared to go even beyond their hopes. They seized on the most trifling occurrences, and turned them to account in the popular canvass. Thus, after the nomination of General Harrison by the Whig Convention, some Democrat having spoken with contempt of General Harrison's living in a log cabin and drinking hard cider, the Whigs immediately charged the whole Democratic party with this insolent contempt of poverty, and made it a matter of boast that their candidate was content to live in a log cabin, and to drink hard cider; and did not, like Mr. Van Buren, occupy a palace, and use gold spoons and forks. Log cabins were erected every where for the meetings of the Whigs. It became a favorite badge of the party, and was converted into a personal ornament by the Whig ladies.

So signal a revolution of parties had never been witnessed. Of the two hundred and ninety-four electoral votes, General Harrison received two hundred and thirty-four, and Mr. Van Buren but sixty; and of the twenty-six States, he received the votes of only six, five of which were slaveholding States—Virginia, South Carolina, Alabama, Missouri, and Arkansas. Illinois was the only Northern State that voted for him.

A quorum of the Senate not being present on the first Monday in December, there was no business done in either House until Wednesday, when quorums were formed, and the President sent his annual message.

After the usual felicitations on our prosperity, and notice of friendly relations with other countries, he states that the overtures to Great Britain for settling the north-eastern boundary had been favorably received:

that Mr. Fox, not conceiving himself sufficiently instructed on some of the questions that had presented themselves, had applied to his Government for further orders: and that a favorable termination of this protracted question might be expected.

That we have friendly relations with all European States, as well as those of this continent. Some particular points of negotiation were noticed.

The present sound condition of the national finances was considered as affording matter of congratulation.

After a short review of the financial difficulties which the Government had experienced during his Administration, and of their causes, he says that, during the whole four years, every demand upon the Government, both at home and abroad, had been promptly met, and this, too, without creating a permanent public debt, or a resort to additional taxation in any form; leaving still a considerable balance of available funds, which will remain in the treasury at the end of the year; the small amount of treasury-notes—four and a half millions—not yet due, being less, by twenty-three millions, than the amount which the United States have in deposit with the several States.

It is gratifying to reflect that the Government had the firmness and the ability to adhere to the sacred obligations of law; to execute all its contracts according to the requisitions of the Constitution; and thus to present a rallying point by which the business of the country might be brought back to an unvarying standard. This, he said, is a result important to the interests and morals of the people.

The policy of paying off the national debt is eulogized. Among the evils of a national debt, he mentions that of its falling into the hands of foreigners, who are thus



induced to intermeddle in our concerns, as well as making us tributary to the amount of the interest: besides which he mentions the inherent tendency of national debts to increase. We are, fortunately, in a condition not to make these debts necessary; but, to make this advantage permanent, public economy is indispensable.

The distribution of the surplus revenue, and the commercial revulsion that followed, required a great retrenchment in the public expenditure, which, however, there was much practical difficulty in suddenly changing. They were, however, changed, and a great reduction of expense was effected.

The available balance in the treasury, on the first of January next, will be one million five hundred thousand dollars. This, with the expected receipts, will enable the Government to meet all its engagements.

The new system for the safe keeping of the public money, which has been in operation several months, has so far answered the favorable anticipations of its friends; and the apprehensions of those who opposed it have proved to be unfounded.

He has thought proper to present these views, because they develop the leading policy of his Administration, which was opposition to a national debt and a national bank; to the objections to which he again recurs. He has thus attempted, and so far successfully, to show to the people, that a national bank, at all times, and a national debt, except when the honor and safety of the country imperiously requires it, are not merely unnecessary, but "in direct and deadly hostility to the principles of their government, and to their own permanent welfare."

He says the facts previously detailed warrant the assertion that "all the purposes for which this Govern-

ment was instituted have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace," and in the face of a most formidable opposition. If the army and navy, and the civil and diplomatic concerns of the country have been sustained, and every obligation met, without the aid of a national debt, or a national bank, have we not a right to suppose that a policy which has thus succeeded will receive the final sanction of the people?

He denies that it is the proper province of Government to repair the losses of individuals in their business. That is not within the scope of the powers which the Constitution has given to the Federal Government; and to the strict and faithful execution of that instrument he has steadily aimed, not only by a sense of duty, but from a conviction that he was thereby promoting the happiness of the people, and the prosperity of the States. It is for the people to decide whether the new system of managing the pecuniary concerns of the country shall be continued, or whether they will go back to that from which they have so deeply suffered.

In speaking of Indian affairs, he says the emigration of the Seminoles has alone been attended with serious difficulty, and occasioned bloodshed. The events and disasters of the war in Florida are then noticed, and he says that the protraction of this contest is "to be attributed to causes beyond the control of the Government."

A brief notice is taken of the operations of the navy, and of the discoveries of the exploring expedition, as well as the condition of the post-office.

The suppression of the African slave-trade has received the continued attention of the Government. It is now carried on principally by the Portuguese; and the appearance of our ships has prevented the further prosti-

tution of the American flag. But the trade is greatly aided by the traffic carried on with the slave factories on the coast. He submits to their consideration whether, "this Government having been the first to prohibit, by adequate penalties, the slave-trade, the first to declare it piracy, should not be the first, also, to forbid to its citizens, all trade with the slave factories."

This message, so far as it was of a party character, was assailed by Mr. Webster and defended by Mr. Wright. The former denied that it had ever been a contested question in this country whether there should be a national debt. He averred that there never had been a party that avowed itself in favor of a national debt. He regarded it "as singularly unfortunate, that what looks like an imputation on those who authorised the loans contracted during the Revolution should come from the head of an Administration which *is the first that has ever commenced a national debt in a time of profound peace.*" He also insisted that the expenditures of the Government, during this Administration, had exceeded its income, at the rate of *seven millions of dollars* a year.

Mr. Webster was answered by Mr. Wright, who aimed to maintain the leading positions in the President's message.

On the thirteenth of December, Mr. Fox wrote to Mr. Forsyth that Alexander M'Leod, a British subject, and a deputy sheriff in Upper Canada, had been arrested at Lewiston, in New York, on a "pretended charge" of murder and arson; as having been engaged in the capture and destruction of the "piratical steamboat *Caroline*," in December, 1837; and that M'Leod, after examination, had been committed to jail.

He calls upon the United States Government to take

prompt measures for the liberation of Mr. M'Leod. The destruction of the *Caroline* was a public act, by persons in Her Majesty's service, and therefore can be the subject of discussion between the two Governments, and cannot be made the ground of legal proceedings against the individuals concerned.

He further states that Mr. M'Leod was not concerned in the destruction of the *Caroline*, and that the charge rests only on the testimony of perjured outlaws. But this circumstance is deemed immaterial. He trusts that an early and satisfactory answer will be given.

Mr. Forsyth, after professing the desire of the President to preserve amicable relations with Great Britain, regrets he does not recognize the validity of the demand made by Mr. Fox. The case is exclusively within the jurisdiction of the courts of New York, and the President cannot constitutionally interpose. He is not aware of any principle of the law of nations by which offenders against the laws of New York can exempt themselves from her authority when within her jurisdiction. He also mentions that the attack on the *Caroline* had been long since brought to the notice of the British Government, and made the subject of complaint; but that no answer had yet been given to the application.

Mr. Fox regrets that the President is not prepared to comply with his request, as he foresees the very grave and serious consequences that must ensue, if Mr. M'Leod should be subject to a vexatious and unjust imprisonment. He had lost no time in communicating his correspondence on this subject to his Government. He again insists on the piratical character of the *Caroline*, and the justification of the acts of the officers, for the protection of Her Majesty's subjects.

Mr. Forsyth again says that redress had been demanded for the attack on the *Caroline*, and that the opinion expressed by Mr. Fox on that demand would not have been hazarded, had he been possessed of all the facts of the case.

The bill which proposed to give to actual settlers on the public lands the right of pre-emption, being under consideration, on the twelfth of January, 1841, Mr. Calhoun moved several important amendments: —

That all those lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exception of the sites of fortifications and arsenals, be ceded to those States on the following conditions: —

First. That those States shall pass laws to pay to the United States — per cent. on the amount of sales.

Second. That the minimum price shall be unchanged until the thirtieth of June, and may then be reduced, first to one dollar an acre, and, after fifteen years, to seventy-five cents, then fifty cents, &c.

Third. That the lands shall be subject to the same subdivisions as at present.

Fourth. This cession to be in lieu of the five per cent. fund.

Fifth. On a failure of any State to comply with the terms, the said cession to that State to be null and void.

With some other amendments adapted to the preceding: which alterations he supported in a long speech, showing the policy of removing this source of discord and disaffection; and he endeavored to prove that cession was the only practical policy.

Mr. Crittenden, in reply, defended the two amendments he had previously offered, which proposed to distribute the proceeds of the sales of lands among the

States, and a pre-emption to settlers at one dollar and a quarter per acre, not exceeding three hundred and twenty acres to each—he being willing to give the benefit of pre-emption, if it was coupled with distribution, and not otherwise; and he replied to the objections urged against distribution by Mr. Benton and Mr. Calhoun.

Mr. Preston sustained the views of Mr. Crittenden, and referred to the terms of cession by Virginia, and some of the other States.

The bill was supported by Mr. Sevier, of Arkansas. Mr. Smith, of Indiana, made a speech in favor of distribution.

The discussion was continued from time to time, by several members of the Senate, until the first of February, when, on the question of striking out Mr. Crittenden's amendment, and substituting Mr. Calhoun's, there was a majority in the negative—thirty-one votes to twenty. The question, then, on Crittenden's plan of uniting the two objects of pre-emption and distribution, was also rejected by twenty-nine votes to twenty-two. The bill was then passed by thirty-one votes to nineteen.

The banks of Pennsylvania, which, by a resolution of the Legislature in April, 1840, were required to resume cash payments by the fifteenth of January, 1841, and had accordingly done so, found it necessary again to suspend on the fourth of February, 1841, the United States Bank taking the lead in the measure, and alleging that the attempt was premature, inasmuch as they could not pay specie to their creditors until they received it from their debtors. They stated that they had made every effort to comply with the wishes of the Legislature, and, since the fifteenth of January, had paid out about six millions of dollars. The other banks of Phila-

delphia followed the example, and stated that they had paid out, since the fifteenth of January, more than five millions. The banks of Baltimore also suspended, but those of Richmond continued to pay specie.

It now appeared evident to all, that the Pennsylvania Bank of the United States was no longer in that state of soundness and prosperity which Mr. Biddle had attributed to it when he resigned, and that it could not have been so at that time, the twenty-ninth of March, 1839.

In the memorial of that Bank to the Legislature of Pennsylvania, excusing themselves for again suspending, they state, among the important facts that had impaired their resources, that the Bank had already paid to the State three millions two hundred and twenty thousand six hundred and sixty-two dollars; by subscription to railroads, four hundred and fifteen thousand dollars; and had lent to the State eight millions six hundred and twenty thousand dollars — thus showing a direct application of the capital of the Bank to the purposes of the State to the amount of above twelve millions of dollars, and nearly a million more to other public works; and they plead forcibly against the public mischief which would ensue if their charter were to be forfeited, as, by the law of the State, it was liable to be. These thirteen millions, in addition to what had been lost by the agency in London, and by sacrifices to keep up its credit in Europe, and probably to borrow money to meet the loans to the State, and most of which were like loans of specie, was well calculated to raise doubts among those skilled in the business of banking, about the solvency of that institution, notwithstanding the earnest assertion of the President and Directors to the contrary: and the great fall in the price of its stock showed that the public had

no doubt that a considerable part of its capital had been lost.

On the twelfth of February, a message was received from the President, relative to the negroes taken on board the *Amistead*.

Mr. Fox, on the thirty-first of January, 1841, wrote to Mr. Forsyth respecting these negroes. They were imported into Cuba from Africa in a Portuguese vessel, *Tecora*, in 1839, purchased as slaves, and put on board the *Amistead* to be sent to another part of Cuba. They took possession of the vessel, put the captain to death, and ordered the remainder of the whites to proceed to Africa. But they bent their course towards America, and were taken by a Government brig and brought into New London. Under the engagements made by Great Britain with the Spanish Government, and with the United States, it may depend upon the United States whether these people can be held in slavery, and he asks their interposition.

Mr. Forsyth replies that these negroes had been demanded by the Spanish Minister, the subject is now under judicial investigation, and the President has no power to interfere with the legal tribunals. If they are delivered to the Spanish Minister, he will send them to Cuba, and there Great Britain can apply for a compliance, on the part of Spain, with her engagements.

In the mean time, the case of M'Leod continued to cause great excitement, both in Canada and the United States, especially after the grand jury in New York had found a true bill on his indictment for murder and arson.

On the twelfth of February, Mr. Pickens, from the Committee on Foreign Relations, presented a report on this subject, in which, after reciting the facts of the case,



and denying that there was any thing of a piratical character in the employment of the *Caroline*, the Committee say that they know of no principle of international law by which M'Leod, if he was concerned in the seizure of the *Caroline*, as there is reason to believe, could be exempted from trial under the laws of New York; and that the Federal Executive would have no right to interfere.

The report then indulges in a strain of intemperate censure on the ambition and habitual abuse of her power by Great Britain; but the Committee believe that the points of difficulty may be honorably and amicably adjusted. Mr. Pickens then proposed that the report be laid on the table.

This report, on that and the following day, gave rise to much discussion, in which the tone of the report, and the wide ground it covered (beyond the subject entrusted to the Committee), were fully reprehended; and Mr. Adams proposed that the report should be recommitted, that these uncourteous censures of Great Britain may be struck out.

Mr. Fillmore took similar ground; and the motion of Mr. Everett to print the report and documents was negatived by one hundred votes to seventy-three. But on a motion to print the report alone, there were one hundred and three votes to sixty-eight.

In the year 1840, the sixth census of the United States was taken, by which it appeared that the whole population was 17,069,453, of whom —

The whites.....	14,195,747
The free colored.....	386,348
The slaves.....	2,487,358
Total.....	17,069,453

Showing an increase of the whole population to be.....	32.67	per cent
Of the whites.....	34.66	"
Of the free colored.....	20.88	"
Of the slaves.....	23.81	"
Of the whole colored.....	23.04	"

It thus appeared that the whites had gained, in ten years, on the colored population, 1.2 per cent.; and the free population on the slave, 2 per cent.

On the third of March, with Mr. Van Buren's administration, terminated the rule of a party which had predominated in the Federal Government for twelve years. During General Jackson's administration it had been popular and successful. In every object which he had much at heart, he had sooner or later prevailed. When he came into power, a majority of the Senate were opposed to him; yet, before his office expired, his great popularity had so changed that body, that his influence was as great there as in the House of Representatives; and they gave a signal proof of their disposition to flatter him, by expunging resolutions which they had previously adopted.

The Bank of the United States had the countenance and support of both Houses of Congress, yet it became, under his vigorous influence, the object of hostility to both. He opposed Mr. Clay's land bill by an unwonted stretch of the Executive power, when it had the favor of the nation, both in Congress and out of it, until it was finally defeated. He removed the deposits, against the wishes of both friends and enemies; and, in the gratification of his vindictive feelings, disregarded the pecuniary interests of the United States, which owned one-fifth of the Bank stock, and was even deaf to popular clamors. By making war on the Bank, and their paper currency, he flooded the country with a depreciated paper, and,

amidst the huzzas of praise and admiration for his vigor, he escaped all censure : and when the necessary results of his policy brought pecuniary difficulty and distress on the whole country, his successor encountered the whole blame ; and the whole of his subsequent Administration was engaged in a struggle to find a substitute for the banks as the depositors and distributors of the public money. The means he asked for making the public money more safe from speculation were made the theme of suspicion and reproach ; and those that he sought for terminating a petty war in Florida, that had been so shamefully protracted, were stigmatized as an ambitious scheme of raising a standing army.

It was, indeed, the most inglorious, the most vexatious to the incumbent, of all the Administrations since the adoption of the Constitution. In that of the elder Adams, he vindicated the rights of his country against France ; and though he was considered, by some, to have afterwards abandoned the high ground he had at first taken, yet his course was, on that account, more wise and patriotic. To have gone further, would have indicated more pride than real dignity.

The Administration of John Quincy Adams had many points of analogy with that of Mr. Van Buren. In both, the majority of the Legislature were in the Opposition, as was also, to all appearance, the popular sentiment ; and a favorite measure, the mission to the Congress at Panama, honorable and useful as it would have been to the country, was so delayed as to be practically defeated ; yet the measure and the purposes of the Administration were of an elevated character ; and the principles which the American Minister intended there to maintain were afterwards carried into execution in the treaties made

with the new Republics, and furnished the model for all those that were afterwards made.

The protective policy had been adopted in Mr. Monroe's administration, but it was maintained and extended by the tariff of 1824; and, supposing the policy a mistaken one, it was one of great importance, compared with which the law regulating the custody of the public money, which the Executive previously held, was comparatively insignificant. The contest with England about the West India trade was maintained by Mr. Adams upon true principles of justice and reciprocity, if the Legislature had sustained him: and the subsequent arrangement made by Mr. M'Lane, which seemed, at first view, to obtain success for General Jackson where his predecessor had failed, showed that the benefit of that arrangement was exclusively for Great Britain. The United States, in giving up the whole of the circuitous trade for a part of a larger amount of direct, lost as much as it gained; as it respects the shipping interests, and the employment of seamen, it perhaps lost a good deal more. In the controversies with Great Britain as to the North-east boundary, the violations of neutrality on the Canada frontier by American citizens, and the clear infraction of national sovereignty by the invasion of the American territory, and the seizure of the *Caroline*, the national rights were, indeed, not surrendered, but were not very vigorously defended. The disposition to concede all that could be conceded without dishonor was somewhat too manifest; and the Government was too long in waiting for an explanation in the case of the *Caroline*; nor would that question have been brought up again during Mr. Van Buren's administration, apparently, if it had not been for the more energetic assertion of its rights by the State of New York, in the arrest and prosecution of

M'Leod. The contrast between the Administrations of General Jackson and Mr. Van Buren, though they both professed the same principles, and were supported by the same men, differed as widely as the character of the fox and the lion; and, on this occasion, political caution and prudence proved far inferior to energy and force of will. But it is sheer justice to Mr. Van Buren to add, that he had no agency in bringing on any one of the vexations and perplexities which crossed his Administration. The most important of all, that to which he probably owed his failure of being elected to a second term—the disorders of the currency—was unquestionably due to the policy and measures of his immediate predecessor, who thus unconsciously made a large abatement from the obligations previously conferred on Mr. Van Buren, and which were supposed to be nothing less than the high honor of being the eighth President of the United States.

## CHAPTER XXXII.

### PRESENT AND FUTURE CONDITION OF THE UNITED STATES.

HAVING thus traced the leading political measures and events of this Confederate Republic for fifty years, let us, before we take leave of the subject, examine how far the Government has, during that period, fulfilled the purposes of the legislators who gave it being.

Its progress, in the outward marks of national greatness, has realized the fondest hopes of the patriot, and has exceeded that of any other people recorded in the annals of mankind. Its numbers have increased, from less than 4,000,000, in 1790, to 17,000,000, in 1840; its annual exports, from \$29,000,000 to \$107,000,000; its imports, from \$19,000,000 to \$132,000,000; its shipping, from 502,000 tons to 2,130,000 tons; and its revenue, from \$4,500,000 to \$17,000,000.

It has shown that it has the ability to defend itself from foreign and domestic foes. It has been at war with the most powerful nations of Europe. Against both it acquired glory at sea; and, against Great Britain, reputation both in the field and on the ocean. It did more than any other nation in putting an end to the long-continued piracy of the Barbary States in the Mediterranean; and, while it repressed the hostilities of the Indians within its own limits, it taught them husbandry, and other useful arts, so as to prepare them for civilization.

It has, in carrying its complex system of polity into execution, encountered those difficulties which necessarily arise in the interpretation of every written Constitution. These, after having produced temporary agitation, have passed away. Of this character were the questions of a protecting tariff, and of the power of making roads and canals.

During the same period, the General Government has been brought into collision with several of the States — with South Carolina, the New England States, Georgia, Pennsylvania, Virginia, and some others. Twice these points of disagreement, or of State discontent, have led to insurrection, which was promptly put down, attended with little or no bloodshed, and followed by no sanguinary punishment.

Party spirit has, indeed, commonly prevailed to an extent which has greatly diminished the peace and harmony of social intercourse, sometimes from discordant opinions on the general principles of government, and sometimes from local jealousies, or a diversity of local interests. But this agitation of the public mind is not an uncompensated evil. It contributes to preserve the political institutions from corruption or decay. It produces vigilance in one party, caution in the other, and a salutary emulation in both.

The territory was doubled by the purchase of Louisiana, and has since been almost quadrupled by the acquisition of Florida, Texas, and the Mexican Provinces. The number of States has increased from thirteen to thirty-one.

Amid these abundant sources of national congratulation, it is proper to notice that, in two or three particulars, the Federal Constitution has not acted according to the designs and wishes of its framers. Thus, it being

presumed, in the Convention which framed it, that the election of the Chief Magistrate would prove a source of civil discord, from the probable diversity of local and personal preferences, this constituted one of the most difficult and perplexing subjects submitted to the deliberation of that body; and, when it was proposed to vote for two persons—one not of the same State as the Elector—without designating which was to be President, and which Vice-President, the proposition was received with general and most lively favor. The very cordial welcome it met with does not appear in the reported debates, but is known only by tradition from the members themselves. Yet, such is the inherent uncertainty of constitutional provisions, until they are tested by experiment, that this plausible scheme was soon found, on a Presidential election, to produce an alarming state of confusion and public anxiety, threatening not merely great popular disappointment, but even civil violence. It was, therefore, one of the only two amendments made to the Constitution since that instrument went into operation.

The expedient of choosing these officers by the intervention of Electors, is another constitutional provision which has failed to act according to the purposes of the Convention. It was assumed that the people at large, who were regarded as the safest depositories of the power, would, in the exercise of it, be biassed by local and personal considerations. But they were considered very competent to choose Electors, who, it was presumed, would possess the knowledge of individuals, and impartiality, which their constituents wanted. Besides, this mode of election seemed to afford security against the intrigues of foreign nations, such as had so generally and so dangerously interfered in the election of a King of



Poland. It was not then foreseen that the voters, in choosing Electors, would not give up the power they possessed, and that they would vote only for those Electors who would conform to the wishes of the people. This oversight now seems strange to us, especially as, in ordinary elections, if there was any matter of engrossing interest to be decided, the candidate was expected and required to declare his sentiments, and to give pledges of his future course concerning it, before he received the support of the voters.

In point of fact, the election of President and Vice-President, though nominally made by the Electoral Colleges, is always substantially made by the people in the primary assemblies; and this mode of election, by which a choice is made circuitously, that may as well be made directly by the popular vote, seems to remain a harmless abortion of the Constitution. Yet there may arise cases in which the provision may not be utterly useless; as if public sentiment had undergone a sudden and undoubted change, in the interval between the choice of the Electors and their votes, in which case they might venture to change the votes which they had pledged themselves to give. So, where death had removed the candidates for whom the Electors were pledged to vote.

There seems to be yet a third case in which the Constitution has not afforded the expected security against future mischief. When that instrument was formed, it was foreseen that the slaves held in one-half of the Union would occasionally seek a refuge in other States; and, to secure the holders from this loss, so seriously affecting their welfare, a provision was made to prevent this municipal regulation in one State from being annulled in another; that such fugitive, on being reclaimed, should be delivered up. But this provision has

proved entirely insufficient for its purpose; and, so far from being always executed with good faith, it has often provoked the active animosity of other States, and been made the theme of bitter reproach.

Having noticed the leading features of our progress in fifty years, as a Confederacy, let us now advert to those other characteristics of civilization, which are wholly or principally under the control and regulation of the individual States — as religion, morals, literature, and manners.

In two important particulars, religion is here placed on a footing different from that of other countries: it is entirely free from all legal restraint, and it is supported altogether by voluntary contribution. What are the consequences of these peculiarities?

It is not perceived that they have lessened the devotional spirit. This seems to be so congenial to the nature of man, that it does not require to be enforced by the Government. That provision which is made, in most countries, for the support of religion, is a consequence of man's religious propensity, rather than a cause of his active exercise of it.

The strength of this propensity in the United States is evinced by the number of the places of worship, of officiating ministers, and of their respective congregations. It appears, by the census of 1850, when these enumerations were first made by the Government, that, in a population of 23,000,000, the number of churches, or places of worship, was 38,000, affording accommodation for more than 14,000,000 of persons, and possessed of property to the amount of \$89,000,000;<sup>1</sup> of regular ministers, 26,800. There were, in 1850, 44 theological schools, instructing 1351 students. Their annual com-

<sup>1</sup> De Bow's Compendium, page 138.

pensation is not known, but we are warranted in saying that, while the highest incomes of the American clergy are far short of those received by the chief dignitaries of the established religions in Europe, yet those who are worst paid in this country, receive a higher remuneration than the average sum paid to the great body of the European clergy.

One of the consequences of the freedom of religion here, and of the entire equality of its professors under the law, is a general emulation among the ministers of the different sects for popular favor, which has a salutary influence on their zeal, their morals, and the diligent discharge of their duties.

It might seem to some that, where the minister of religion must rely for his means of support on the voluntary bounty of his congregation, it would affect his independence: that, however incapable he might be of giving countenance to sin or vice, he would be more sparing of his denunciations when they were likely to make a moderate income an insufficient one: yet experience tells us that, where moral delinquency is denounced in the abstract, without reference to individuals, the preacher is not only tolerated in such course, but that this constitutes one of his highest recommendations. His hearers see, in this fearless warfare against vice, an assurance of his sincerity and pious zeal; and even those whose conscience acknowledges the justice of his reprehensions do not venture, by their words or acts, to withhold their homage to his merits.

The effect of the general rivalry among the sects is manifested in the intellectual, as well as moral, improvement of their respective ministers. Some sects, whose ministers were once characterized as ignorant and illiterate, can now boast of divines distinguished for learning,

taste, and eloquence. The same circumstance has produced a degree of strictness, sometimes amounting to austerity, in those sects which have allowed themselves most latitude in Europe. There are not many places in the United States (if, indeed, there be any) in which an Episcopal minister would deem it prudent, if his own scruples did not restrain him, to attend the theatre, or dancing party, or would play at whist or backgammon, as is occasionally done in Europe. They are, in short, as a body of men, distinguished for fervid piety, for pure morals, for the propriety of their general demeanor, and their Christian charity, in its best and most enlarged sense.

Yet the rivalry of sects occasionally overpowers their charity towards one another; and a controversial spirit, engendered by mutual ill-will, vents itself in polemical sermons and publications. But these signs of discord are less frequent than formerly, it having been found that in these, as well as most other wars, both parties had lost more than they gained.

One of the seeming consequences of the freedom of religion is the multiplication of sects. It is found that, as soon as one becomes numerous, a division is almost certain to arise to a greater or less extent; at one time from a difference of doctrine; at another, of worship, or of church government, and even of moral speculation. The Episcopalians are divided into High and Low Church; the Presbyterians have several subdivisions; so have the Baptists; the Methodists, into those who do and those who do not tolerate domestic slavery. Even the Quakers have a serious schism. The Catholics and Jews have no known divisions into sects, but their dissenters are individual deviations.

Here and there we find instances of a minister who,

under the influence of those mixed motives which impel men to seek notoriety and distinction, forms a new sect, which gradually gains a permanent foothold, or dies away, according to the force of his talents and zeal.

The high tone of morality which characterizes all these sects is manifested by the strictness and impartiality with which they scrutinize and punish the aberrations of their own members. If the *esprit de corps* is manifested by some, in sympathy for the individual delinquents, it is yet more strongly exhibited by others in the determination to preserve their creed free from taint, by ejecting the members who disgrace it.

Another probable consequence of the unrestrained license which religion here possesses, is the wild and anomalous character of some of the sects which are ever coming into existence; so that there is scarcely a doctrine, or opinion, that human wit has ever suggested, which has not been adopted and embodied by some one of our religious sects. Thus, the *Shakers* have proscribed marriage and sexual intercourse; so that, if their system was to become universal, it must annihilate the human species in less than half a century. On the other hand, the *Mormons* would impede the progress of society by the opposite course, of allowing many wives to one husband, which, if carried into partial execution—and it admits of no other—would deprive a correspondent number of men of the joys and benefits of wedded life. The new sect of *Spiritualists* is a further evidence of the prurient love of novelty in this most copious and interesting of all subjects of human speculation. But these singularities bear a very small proportion to the mass of religionists throughout the country, and may be regarded as exceptions to the general rule. A certain degree of soberness and common sense will generally be found to

permeate and temper the religious faith in the United States, of four-fifths of whose people we are warranted in saying that, in no other country is the sentiment of religion more generally diffused, its doctrines more pure, or its practice more beneficent.

It should be remarked, that the African race, if not the most enlightened, are among the most fervid in their piety.

*The Administration of Justice.*—This is one of the best fruits of good government—when every man is protected in all his rights, and can count on redress whenever they are invaded.

In every State, the cases litigated between individuals are decided with fairness and impartiality: the laws are enforced with strictness; and popular influence and favor, much less fortune and station, have little influence on the decisions of courts.

While the supremacy of law is thus manifested in civil controversies, yet, in the prosecution for criminal offences, there are occasional deviations from the same impartial administration of the law. In those cases of homicide where the delinquent has been instigated by the sudden impulse of feeling, there is an undue indulgence shown him by juries, and sometimes by courts, so as to make the cases extremely rare when offences of this character incur the severe punishment prescribed by the law.

The penitentiary system has probably increased the aversion to inflict the punishment of death on any offence; and, occasionally, men are met with who have persuaded themselves that such punishments are not necessary, and are unwarranted, as not squaring with their fanciful notions of natural law. One consequence of this impunity for offences is, that the natural sense of justice is occasionally aroused to inflict that punishment

in an irregular and summary way, that the law has been proved unable to inflict. This is what is called Lynch law; and it derived its name from the individual in Virginia, who, by reason of the inefficiency of the law on frontier settlements, prevailed on his neighbors to supply the place by a summary course of proceedings, in which the ends of punitive justice were looked to, without regard to forms of law; and to adopt it against horse-thieves, and other offenders, who, in the relaxed state of the laws, for the want of magistrates and other officers of justice, were likely to escape punishment.

In all, or nearly all, the States, the judges are elected by the votes of the people; and such a mode of appointment was once generally supposed to be incompatible with the independence required for the discharge of their high functions. This opinion was borrowed from England, where the former dependence of the judges on the crown produced in them a time-serving and servile spirit, which gave a large and dangerous accession to the kingly power: but the opinion was adopted without considering the difference of circumstances.

If the dependence of the judge on the favor of the people may produce inconvenience, so may his entire independence. Whenever he does his duty honestly and fearlessly, experience tells us he is likely to receive the support of a majority of the people, partly from that respect which men instinctively feel for honesty of purpose, and partly from a sense of their own safety in the integrity of those who administer the laws.

In some of our towns there are, or were, magistrates who held their office for life, and another set who were annually chosen by the voters of the corporation; and it was always found that the last discharged their judicial duties as honestly and impartially as the first.

While the principles of the English common law constitute the basis on which justice is administered in all the States, it has here undergone great changes, by which it has been considerably improved. The pleadings have been greatly simplified and abridged; and much of the tautology which had grown up, in process of time, like weeds in a garden, has been dispensed with.

Among numerous reforms in the penal code, by which offences, formerly punished with severity, are now either entirely abolished, or have their punishments greatly mitigated, usury laws, in nearly all the States, still linger in the statute books, as remnants of unwise or useless legislation. As the most guarded of these laws admit of ready evasions, and are habitually evaded, the good effects of their repeal have been most egregiously overrated. Yet they ought not to be continued. If the law prohibiting usurious interest was abstractedly just, as it sometimes is not, it ought, nevertheless, to be repealed, because it is so easily evaded, and because it only affords relief to its victim, on the condition of his being regarded by every man as a scoundrel.

There is a growing disposition to prevent the creditor from depriving the debtor of his liberty, either by holding him to bail before judgment, or by taking his body in execution after judgment. From present appearances, the day is not distant when the power of creditors will be entirely abolished.

In the construction of the statute law in the United States, the question often arises whether the law under consideration has validity; that is, whether it conforms to the Constitution, which is a law to the Legislature, without which conformity the statute is null and void. The courts of justice, which have the power of determining this question, thus exercise a sort of supervisory



power over the ordinary Legislature; and their decisions have been hitherto acquiesced in, even when in conflict with popular sentiment.

Having, in our complex system, two sets of courts — those of the General Government, and those of the States — there has been, now and then, a conflict of jurisdictions, which has assumed a threatening aspect; but the good sense and patriotism of those who administered the law on both sides have hitherto averted the impending mischief. The most serious case of this character was when South Carolina undertook to annul an act of Congress imposing duties on imports, and when her citizens seemed about to be called on by two sovereign Powers, to whom they owed obedience, to execute two different and contradictory laws. On that occasion, the power of the General Government seemed sufficient to enforce its authority; but this may not always be the case, and it is one of those anomalous contingencies, which occur under every form of free government, for which it is not easy to provide an adequate remedy.

The law of evidence, though, in the main, admirably fitted for the investigation of truth, when involved in complexity or uncertainty, or obscured by fraud or falsehood, still labors under the reproach that, by the operation of certain technical rules, facts which are known to every one in the community cannot be established in a court. This branch of jurisprudence, whose creation and improvement has been exclusively the work of the judiciary, seems to require, for the highest degree of amelioration of which it is susceptible, the pruning hand of the Legislature.

The inferiority of American literature to that of the principal nations of Europe had often been the theme of discussion on both sides of the Atlantic, and had been

regarded by European writers as evidence of the inferiority of American intellect; and while we always indignantly scouted this arrogant claim of superiority, it was mortifying to our pride that it seemed to require an answer.

This hypothesis has long slept in oblivion, or is remembered only to be laughed at, with the question once discussed in the French Academy, whether Germany could produce a work of genius! or the modest boast of a Colonel Grant, in the British Parliament, that, with five regiments, he would drive the inhabitants of this country from one end of the continent to the other! or the declaration, on the same theatre, that an English sloop-of-war would be a match for an American frigate!

But about the fact of the inferiority there is no room for dispute. The population of these States is now about the same as of the British Isles; yet the number of their original productions in a year is probably three or four times as great as ours, and the disparity may be much greater. The difference, too, extends to the quality as well as quantity. There are ten, perhaps twenty, English books reprinted in America, for one American work reprinted in England.

Supposing the fact to be placed beyond the reach of controversy, how are we to account for an inferiority of productions, without admitting an inferiority of talent or genius?

The diversity has received, as we believe, a satisfactory explanation from the difference of circumstances. In a young and growing country, the number of schools which afford instruction of a high order is inadequate to the wants of the community; and the educated classes are not quite sufficient to supply the learned professions and the principal functionaries of the Government. The

consequence is, that we have not a class here, as in Europe, exclusively devoted to letters, and our authors are mainly drawn from men engaged in the busy occupations of life.

The same circumstances which lessen the number of the well-educated, also affect the character of the education. It is, with few exceptions, far less thorough here than it is in Europe; and such is the impatience and the temptation of the American youth to venture his bark on the great ocean of life, that a very small proportion give more than two or three years to college life. Our authors, then, are fewer in number, and, considering how largely collegiate and classical instruction have contributed to European authorship, are not likely to be so well qualified.

To these circumstances may be added, that, as English books can be here reprinted without any thing being paid for the copyright, whatever it may have cost the English publisher, the American bookseller has less inducement to remunerate the American author. The reprint of English books, old and new, commonly affords adequate employment for all his capital, except for those works in which the domestic author has some advantage over a foreign competitor. On all other subjects, then, the literary candidate must enter the field of competition to a disadvantage. He must either forego the encouragement of pecuniary compensation—which has proved so efficacious—or, if he receives it, his book is subjected to a tax from which the English book is free; and the class is, moreover, deprived of the improvement which exercise would naturally give.

This has long been regarded as an evil by American authors; and those of the highest merit and reputation have sought a remedy for it in an international copy-

right between this country and England. They have been led to this not merely from a regard to their individual interests, as well as to the cause of letters, but also from a sense of justice to the English author, for the fruits of whose genius and industry the American public, profiting equally with the British public, ought also to share in remunerating.

But their application has been hitherto successfully resisted in the National Legislature, by the booksellers, on the ground that the change would greatly enhance the price of English productions, which constitute so large a part of our ephemeral reading.

The argument, besides that it considered national interest a warrant for national injustice, is a fallacious one. The very low price at which reprints have been sold, of late years, is no consequence of the copyright law, since that is the same now as it ever has been, but is the result of the discovery made by booksellers, that it was more profitable to sell many copies of a book at a low price, than a few copies at a high one. There is, then, no ground for assuming that the cost of English books would be much enhanced by an international copyright law. If the English author could receive remuneration here for his mental labor, to which he is so justly entitled, supposing him to have a just regard to his interests, it would make but an insignificant addition to the price of his work. A few cents a volume for the cheap editions would commonly prove a liberal remuneration.

Were this discouragement removed, and the American man of letters could enter the arena of authorship on equal terms with his English competitor, we should see how far the desire of emolument, added to the desire of fame, would prove encouraging to domestic literature.

But should the narrow and illiberal views which have

hitherto prevented this salutary reform continue to operate, it is consolatory to believe that our literature, under all its disadvantages of our present condition and false policy, will steadily improve. We may judge of the future from the past. Formerly, in our country, as much reputation could be acquired by a newspaper essay as would now be gained by a respectable volume; and, fifty years since, an author would have found it easier to obtain admirers than it is now to obtain readers, so much has the standard of merit been raised.

In political philosophy, in the science of government, in diplomatic discussion, in moral speculation and theology, and in every species of oratory, whether of the pulpit, the bar, or of deliberative assemblies, in which the disadvantages mentioned have not operated, our writers and speakers will not suffer by a comparison with those of Europe. The same thing may, perhaps, be said of some of our historians, biographers, and writers of travels.

In fiction and romance, though still inferior to Europe, we have attained a respectable proficiency. In light and graceful literature, and in works of delicate and original humor, we have a small number of writers who have no superior in modern times. They are sufficient to redeem the literary character of the country for capacity in this line, but not enough to establish that of its positive achievement.

In poetry there has been a great and steady advancement. Of productions of the muse exhibiting fancy, feeling, and taste, we have many and ever increasing specimens. But no one poet has yet arisen, whose brilliant and felicitous effusions every one remembers, and, like aphorisms, form part of the popular mind and speech. No national poet has yet appeared, who has enlisted his inspired genius in behalf of **THE UNION**, and has held up

to scorn or ridicule the follies and absurdities, or the unprincipled selfishness of its enemies. No one in tuneful verse has yet adequately blazoned the virtues of Washington, or, in some happy creation of fancy, foreshadowed his apotheosis. But that day will come when, on these, or other topics as national, some inspired genius will win the proudest laurels that poet ever wore.

In the drama we have been less successful; yet a few writers in this department have had a local and not fugitive success.

In the sciences not closely connected with the liberal professions — those which require long study and laborious research — in classical and antiquarian erudition, and in the higher branches of mathematics, we are still greatly in the rear of several nations of Europe. In any race which we may chance to win, it is not yet AS THE TORTOISE.

The medical science, in all its branches, is extensively and successfully cultivated here. The debt which we owe for the European contribution to this happy union of science and art is already, or soon will be, amply repaid by America.

The practice of public lectures has greatly increased in every part of the United States. It has now become a favorite mode in which literary talent receives remuneration, and the people, intellectual pleasure and instruction.

But the periodical press must be regarded as the great instructor of the American people. It conveys daily information to the humblest, as well as the most elevated in the land. No country has so many of these sources of intelligence, and nowhere are they so extensively used. The papers issued every day considerably exceed

1,000,000, or 426,000,000 in a year;<sup>1</sup> and as their contents consist chiefly of facts, or are founded on facts, and not much of speculation, most of the knowledge which they communicate approaches to that derived from experience. The editorial corps puts in requisition all the educated, and half-educated men, who are not engrossed by the learned professions and the public functionaries.

In conclusion, it may be remarked, as likely to have an auspicious influence on our literary character, that the bold and independent spirit which was always manifested in our political speculations is now extended to other subjects. Long after political independence was here obtained, the spirit of colonial humility was exhibited in our minds; nor is it yet entirely shaken off. But most of our writers have now become sensible that, in matters materially affecting our country, we ought to think and act for ourselves. The maxim of drawing instruction from our enemies<sup>2</sup> is a well-founded one; and we have often greatly profited by unfriendly censures and criticisms: but it must be taken with discrimination; for, while enemies are intuitively prompted to seize on the most vulnerable points, it must be remembered that malice, though never mistaken in its purpose, sometimes errs in its judgments. The crude and shallow censures and counsels of transatlantic critics have been, sometimes, very mischievous, especially in the great question which now agitates the country. De Tocqueville, of all European writers, has best understood the institutions and character of the American people. He too, indeed, has made some great mistakes; but his errors are those of a manly, ingenuous mind, bent on discovering the truth, and on giving it utterance.

<sup>1</sup> De Bow's Compendium, page 156.

<sup>2</sup> *Fas est ab hoste doceri.*

Our writers, indeed, now often pass to the opposite extreme of their predecessors, and seem more desirous that their speculations should be thought bold and fearless, than just and sound. Instead of believing Pythagoras always right, they now maintain him to be always wrong. Some instances of this literary valor are very amusing. Writers are found among us, who pronounce that Locke was no philosopher, and Adam Smith no political economist, because a flaw may be, here and there, found in their speculations. But, with all its abuse, the free spirit of inquiry was called for, and is likely to do good.

Having taken this general and imperfect view of the productions of the American mind, let us inquire into the characteristics of American literature. The subject is not without difficulty. The supposed peculiarities may be rather individual or accidental than national. The latter, supposing them to exist, may be of too minute and delicate a character to be seized by the critic. If we may hazard an opinion, in which error is probable, and even truth may offend, we would say that, in poetry and ornamental composition, there is a taste for an exuberance of ornament. The importance of simplicity, both for beauty and strength, are not sufficiently appreciated. The prevailing taste is rather Asiatic than Attic. To this, however, in oratory, there are some conspicuous exceptions.

Another deviation from simplicity is manifested both by our writers and speakers, in their profusion of words. This may, in part, be ascribed to the frequency of public addresses and discussions on all occasions of general interest; and, in part, to the influence of the bar on the public taste. Lawyers are accustomed to tautology in all their papers and pleadings; and they are apt to be-



some verbose, from the habit of multiplying arguments in favor of the cause they advocate — bad ones being often as efficient with juries as good ones. In this way, a degree of wordiness is produced in their own style; and the rank which they hold in the community makes them objects of imitation. In a large proportion of the speeches delivered in our deliberative assemblies, half the arguments may be well spared, and half the words in each argument. These labored harangues, like an overloaded ship, often fail to reach those to whom they are addressed. The opening messages of our Presidents and Governors are too often specimens of the same bad taste — exhibiting a minute display of facts, followed up by a wearisome display of argument. It would almost seem as if the time we saved by labor-saving machines was squandered in speeches.

As a set-off to this failing, and apparently connected with it, is the remarkable fluency of speech which characterizes the American people, of both sexes, and which is, perhaps, most conspicuous in the Southern States. No one who has had the opportunities of comparison, but must have been struck with the facility with which the people of this country give utterance to their thoughts. This gift may be often witnessed in those who have been little aided by education, and occasionally in some who can neither read nor write, but yet express themselves with clearness, precision, and even elegance. As the audience of the American public speaker consists mainly of ready critics, his knowledge of this fact has a quickening influence on his oratory, and may somewhat contribute to the exuberance both of words and images which has been mentioned.

Of a kindred character is the subject of the fine arts. These have been more successfully cultivated here than

was to have been expected in a country engrossed with the more pressing demands of the useful. In painting, it could long boast of proficient, and the art is now prosecuted with vigor and success. In sculpture, the number of respectable living artists is now considerable, and their productions are ranked with those of the most meritorious of their cotemporaries. Engraving, both on copper and wood, has attained respectability under the encouragement received in our largest cities. In architecture there seems to be little room for the exercise of original genius. The artist must, perhaps, from the enduring character of its models, be ever destined to be the copyist of Grecian and other ancient forms, or incur the charge of licentious innovation. Yet, as to our productions in this noble and useful art, it can no longer be doubted that our country will profit by the abundance and variety of its materials, as Athens did by the marble of Pentelicus. Musical composition has, as yet, made but little progress among us; but the decided taste here manifested for the music of the best Italian and German masters is a good augury, and may prove the blossom which precedes the fruit.

Popular favor, as well as princely patronage, has had so much influence in encouraging these arts, and affords so many occasions for their advantageous exercise, in the erection and embellishment of public buildings, and in the statues and memorials awarded to eminent men, that we may confidently expect them all to flourish in our land; and that, thus encouraged, they will finally reach, if they do not surpass, all previous excellence.

*Manners.* — There are so many points of similarity between the people of this country and of those nations of Europe from whom they are descended, that it is not easy to seize those peculiarities of manners which may

be found here. Yet it seems probable that there are some peculiarities growing out of our civil institutions, or local circumstances.

Thus, in consequence of the political equality of condition of all classes, there is a certain independence of manner and discourse which are not likely to exist where there is a privileged class, and a recognized distinction of ranks. Sometimes this sense of equality shows itself in an easy frankness, and an unconstrained behavior, and occasionally in undue forwardness and familiarity.

In the slaveholding States, the habit of authority and command nurture self-respect, which, with the leisure and social intercourse possessed by the slaveholder, are very favorable to a mixture of politeness and ease, which are, in Europe, confined chiefly to the privileged classes.

Another consequence of the general sense of equality is, that there is less of respect shown or felt by young persons, of either sex, for their seniors. If a similar change has been observed in Europe, as is apprehended, the difference may be attributed, in part, to the unseen influence of the progress of society, of which the effects are more evident than the cause.

It is universally admitted that females are treated here with more deference, tenderness, and delicacy, than in Europe; and it is a very creditable peculiarity.

One consequence of the equality of condition here is a more general emulation in matters of expense, furniture, dress, and style of living. There is often little difference between the chambermaid and her mistress in their appearance and apparel. A consequence of this emulation in expense and show is, that the fable of the Frog and the Ox are accordingly more often illustrated in this country than in any other. This is probably, in the cities,

a more frequent cause of bankruptcy than the adverse chances of trade.

The distribution of the industrious classes is an important feature in their characters, and, doubtless, has an influence on their morals and manners. According to the census of 1840, the number of persons engaged in agriculture was about five times as great as of those engaged in manufactures; and those, again, were about five times as numerous as those employed in commerce.

By the census of 1850, the proportion of the agriculturists was much less. They constituted but about one-half of the productive class, and the manufacturers one-fourth. The commercial class was but one-sixteenth, and those who were chiefly occupied in mental labor, including public officers, but a thirty-second part. While agriculture must long remain the predominant occupation of the American people, yet that of manufactures and handicraft is steadily gaining on it. The number of professional men seemed, in that decade, to have somewhat more than doubled.<sup>1</sup>

Of all the facilities to commercial and social intercourse, none have increased as rapidly as railroads. According to Mr. De Bow,<sup>2</sup> those of the United States, in 1854, extended more than 17,000 miles, being not much short of those of every other country.

In consequence of the great profits of capital in this country, and of its relative insufficiency, several of the States have large public debts, and their aggregate amount must be not less than \$200,000,000. This policy has been adopted, notwithstanding the sentiments so emphatically declared by the Republican party on

<sup>1</sup> The plans of the census of 1840 and 1850 being different, their respective classes do not admit of being precisely compared.

<sup>2</sup> Page 189.

the subject of national debts. The solemn warnings of Mr. Jefferson, of their dangerous consequences, were disregarded; and the admirers of General Jackson seemed to have forgotten that he was willing to throw away six or seven millions of dollars, to obtain the credit of paying off the last of the national debt.

Without indulging in such gloomy predictions as the ablest men<sup>1</sup> have made about the national debt of Great Britain, and which time has so signally refuted, it may be affirmed that as these domestic debts are mostly due abroad, the States are thus subjecting the present generation and its posterity to a burdensome mortgage, the inconvenience of which may greatly outweigh the benefits derived from the money borrowed, which have often proved the mere delusions of hope; and that such burdens, yielding no compensating profit, must fetter and impede their sounder schemes of improvement and reform.

The instruction of youth, which was always a cherished policy in the New England States, has now become a favorite measure in all the States; and, in no

<sup>1</sup> It now seems passing strange that such minds as Hume's, and Adam Smith's, have predicted national ruin to Great Britain from her public debt. They assimilated the debt of a nation to the debt of an individual, who may obviously, by a course of improvident borrowing and expense, gradually impair his estate, until he is finally ruined. But where the debt was contracted at home, as was the case with the British debt, then it represents the excess of private incomes beyond private expense. The money was here made before it was spent; and, so long as the money borrowed was derived from that source, it is not easy to assign a limit to the debt, especially as the interest paid to the creditor is a further taxable fund, which the Government may reach, and in fact has reached, by an income tax. Theirs is, then, the case of one who, having lived far within his income, decides on spending what he had saved; and, no matter what may be his extravagance and waste, if he keep within his first limit, his original estate remains unimpaired.

long time, it is probable that every child in the country will have the benefit of elementary schooling. The colleges, too, are advancing in dignity and utility.

*Personal Comfort.* — It remains now only to notice the condition of the people as to their individual comfort. In the ordinary progress of society, from rudeness to civilization and density of numbers, the art of husbandry, and other means of increasing human subsistence, have been the slow result of human wants and necessities. The consequence has been that, in every stage of this progress, the mass of every people were destined to a continued struggle for the means of supporting life. But not so under the very favorable circumstances of the United States, which possess a fertile country, as yet thinly settled, with all the useful arts which civilization has perfected. The consequence of which is, that the means of comfortable subsistence is within the reach of almost every one, and the people are generally fed and clothed as the mass of no other people were ever fed and clothed before. There is a very insignificant proportion who do not consume animal food at least once a day.

The number of paupers is comparatively very small, little exceeding the half of one per cent. of the population; and the greater part of this small number are foreign immigrants, or runaway negroes.

Having now completed our survey of the present fortunate condition of these States, it behoves us, as a prudent and rational people, to look also to the future, and to see what dangers await us: whether this unequalled state of national felicity as to its civil institutions, its abundance, its advancement in wealth, strength, and intellectual improvement, promise to be permanent, or are

threatened with declension and decay; and, if so, whether the evils may be averted, or are irremediable.

There is much in the seeming future of these States which is of an astounding character. Hitherto, the increase of our numbers has amounted to but a few millions in every term of ten years: but our enlargement is that of the snow-ball, in which every accession is the cause of a future proportional increase; and, in this way, the population of the United States will, in three periods of duplication—from seventy to eighty years—be upwards of 200,000,000. Thus, supposing the present number to be 28,000,000, it would, at the end of the first period, be 56,000,000; of the second period, 112,000,000; and of the third, 224,000,000.

The increase of our numbers has hitherto been derived partly from immigration, and partly from natural multiplication. By their joint operation, our population has hitherto doubled, in something less than twenty-four years. But both are liable to change. The relative number of immigrants was found to increase beyond all previous expectation. While the whole population, in fifty years, had increased four-fold, the increase of the immigrants was found to be nine-fold. Time alone can show whether this rate of increase will continue, and how long.

But the rate of gain from natural multiplication is known to be steadily diminishing. This is satisfactorily shown by the fact that the number of children in nearly every State in the Union, sensibly decreases in every term of ten years. Hitherto, the steady gain from immigration has been sufficient to compensate the diminution of the natural increase. Should that not continue to be the case, as seems probable, then the term of duplication will be proportionally augmented, and may extend

from twenty-four years to a few years longer; but the difference would not be great, as the supposed population of 200,000,000 does not require a density exceeding seventy persons to a square mile.

Such an increase of a civilized people, forming one political community, the world has never before seen, and its influence on the destiny of mankind it is not possible to estimate.

But is there nothing to check this extraordinary progress, and to prevent this wonderful growth? It is evidently subjected to the chances of dearth and disease. But against the evil of scarcity, this country has unwonted security. It grows two kinds of grain, equally palatable and nutritious, in sufficient quantities to feed its entire population; and as they require different seasons, it scarcely ever happens that they both fail. Besides, the deficiency of one portion of our extensive and diversified country is likely to be compensated by the abundance of another; and the ready means of transportation are afforded by our numerous railroads.

By disease, indeed, our numbers may be greatly thinned. Fatal epidemics may appear under new forms, and sweep off millions in America, as the cholera has done in Asia, and the plague formerly in Europe. But these dire calamities are of rare recurrence, and are, perhaps, more likely to be arrested now, than heretofore, by the progress of medical science. Should, however, such pestilence run its wonted course, the past history of mankind tells us that the chasm made by its ravages is soon filled up; and we are, therefore, warranted in laying no stress on either of the supposed checks.

What are to be the consequences of such a number congregated in one political community? While some



of them time alone can disclose, others are sufficiently obvious.

In the first place, with a physical power so resistless, we may bid defiance to any unjust invasion of our rights; and though we may expect that our country will always contain restless spirits, who will wish to see their countrymen intermeddling in the affairs of other nations, yet a majority of the nation are likely always to be, as they always have been, opposed to such a course. They can never, in the aggregate, feel the same impulses as have operated on the minds of an Alexander, a Julius Cæsar, or a Napoleon; and the humanity and liberality shown by the Americans towards the Indian tribes within their limits, give some assurance of their future moderation.

Supposing, then, war to be unprovoked by others, and to offer no sufficient temptation to ourselves, peace presents a boundless field to the imagination, in the improvement and diffusion of literature and the arts, and in the healthy occupations of every species of productive industry. Let it not be supposed that, in this state of political calm, we should sink into a national torpor, like the Chinese. This would be prevented by that desire which every man has, in a free country, to better his condition, and which is strong in proportion to its means of gratification. It would be further prevented by our emulation of foreign nations, by the emulation of State with State, and, lastly, by individual emulation.

But it must never be forgotten that the realization of these splendid visions depends upon the continuance of our political union. It requires no great powers of sagacity to foresee that, in the event of a separation of the States, these consequences would be the natural result. According to all human experience, jealousies, disputes, and finally war, would arise between neighboring States.

In the efforts which the weaker would make for their defence, and the stronger for conquest, standing military forces would be resorted to, together with fortifications duly supplied with garrisons, arms, and ammunition. These means of defence suppose a large annual expenditure, and, consequently, heavy taxes. Nor would this be all. The present forms of popular government, in which the public opinion must be consulted on all great occasions, and which opinion controls every political movement, would not be suited to that state of things. Strong executives, affording the promptness and efficiency that belongs to a single will, would then be necessary; and something like a perpetual dictatorship would be indispensable to the safety of the State. But with these modes of strengthening the means of defence, some States would become the prey of their stronger and more war-like neighbors. The fortunes of war would be for ever changing their relative strength and influence; and when the rival States were not engaged in open war, they would be for ever forming new alliances, combinations, and political intrigues, such as have occupied the nations of Europe for centuries.

It was from the contemplation of these certain consequences of separation, that all our wisest statesmen have laid such a stress on the value of union, and have so emphatically recommended it to their countrymen as indispensable to their welfare and safety. Yet it would seem that, in utter disregard of these cogent considerations, there are numbers of our citizens who not merely set little value on the Union, but are open advocates for its dissolution; and their number seems to have greatly increased of late years. The question of African slavery, which one-half of these States permit, and the other half abjure, is a great, and seemingly a growing source of civil

discord, so as to pain many a patriot bosom with a lively fear, bordering on firm belief, that it must, soon or late, rend our Federal Union in twain. Yet, on a deliberate review of the question, there seems to be no solid ground for these apprehensions.

It must be remembered that the slave question which now so unhappily divides the two great divisions of the Republic, is itself susceptible of great changes.

In the first place, the proportionate number of the slaves, considerably reduced in fifty years, may undergo a much more rapid diminution by colonization. The servile part of our population was, by the census of 1850, in round numbers, 3,204,000. The annual increase, supposing none to be manumitted, is 80,000. Now, this number cannot be considered beyond the ability of the country to send away, as it is but one-fifth of the Europeans who have migrated hither in a year. There are various modes in which the General and the State Governments might contribute to effect this important exodus, if the public will should sanction it; and, if once begun, it would be furthered by the voluntary emigration of free blacks to Liberia, to which they would probably be more and more attracted by political ambition.

But, supposing the practical difficulties in the way of thus removing, or, at least, lessening this source of civil discord, should impede its execution, or should even discourage the attempt to execute it, is it certain that the present interest felt on this question by the Northern States will be a permanent one? There is much to persuade us to the contrary. The sympathy now felt for enslaved Africans is comparatively a recent feeling. It gave no evidence of its existence in the Revolution, and for several years afterwards; and it has grown to its

present height since the condition of the slave has been confessedly greatly ameliorated. Now, as by one change in popular sentiment the present sympathy has arisen, by another change it may pass away. The annals of mankind abound with examples of strong popular feeling in one country, or one age, which have no existence in another. In the first years of the French revolution, the people of France were desirous of conferring civil liberty on all the other nations of Europe, and were even willing to encounter the evils of war to effect their purpose. Yet not a vestige now remains of that popular zeal: nay, in the alarm which every man, who had any thing to lose, felt at the frantic schemes of the Red Republicans, in 1849, they were willing, for present safety, to give up their own share of civil liberty. We know, too, that nations whose fields have been deluged in blood, in their contests about religious creeds, have forgotten these controversies; and that Catholics and Protestants, once in deadly hostility, are now settled down in a state of peaceful indifference. Is the question which now divides so many of our citizens, of a more enduring character? Perhaps not. The posterity of some of those who are most bigoted in favor of negro emancipation may reason somewhat to this effect:

Some of our indiscriminating ancestors, in their love of civil liberty, did not see that, for their sentiment to have any merit, it must be qualified by justice, order, and obedience to the laws. Liberty, in its largest sense, is the desire to do what we please; and it is this desire which animates the tyrant, the criminal, and, in short, every violator of the law. We must not fall into the error of the miser, who values money for its own sake, and not for its uses. Liberty is a means, not an end—a most powerful means, indeed, of advancing human hap-

piness, when placed under proper restraints. But, in the freest countries in existence, a very large majority of the community are subjected to the will of others, and have a very limited share of liberty. Thus, women are there deprived of most civil rights, and children of still more. Every soldier and sailor is placed under a despot, to whom he must yield implicit obedience. These men, however, may be said to be paid for their services; but so is the slave, in the food and raiment he receives. Theirs, too, it will be said, is a voluntary servitude, the consequence of their own free contract. Perhaps not. They might have yielded to the despotism of want; and though their subjection was the consequence of their own contract, that of children is not.

The Legislature subjects all these classes to the control of others; and in some countries it goes a step further, and subjects another class to still greater restrictions, by establishing slavery. It is of the essence of sovereignty to make that distribution of political power which its own sense of expediency recommends; and for others to oppose this exercise of its authority, is to resist its right of self-government. What would those, who deny the right of a State to establish domestic slavery, say, if another State should interfere with their municipal laws, and insist on reforming them because they did not accord with the reformer's notions of propriety? Yet the two cases would be essentially the same. It is vain to say that women and children have their rights, which the law protects, but that slaves have no rights whatever. As to our most valued rights—the choice of food, clothing, repose, amusement, and the power of locomotion—women and children are often as effectually deprived of them as is the slave; and where they are not, the difference is merely one of degree, and not of kind.

To deny, then, to a State the power to withhold from a portion of its inhabitants the privileges of freemen, is to deny to it the right of a sovereign State.

It is essential that the Legislature should make that distribution of civil rights and power which it thinks will best promote the public welfare and safety — should give a large portion to one class, which is comparatively a small one — a less portion to the females — a still less to the children — and the least of all (only, perhaps, the protection of life) to the slave: trusting mainly for his well-being, like that of the children, to the common feelings and sympathies of our nature, and which experience tells us is, as a general rule, a sufficient reliance.

Such are the considerations which now seem conclusive with one-half of the nation, whose force will be admitted by a large proportion of the other half, and the justice of which may be recognized by the sons of those who now look at the institution through the distempered medium of misapplied sympathies.

Yet, surely, the welfare of the white, is entitled to at least as much interest and regard as that of the African, race; but in the new-born sympathy for the one, the well-being and safety of the other is entirely disregarded. This is the view of the question in the slaveholding States. Their citizens were born and bred in communities allowing domestic slavery, which the present generation had no agency in producing. They believe, on no very doubtful reasoning, that, if the other States were permitted to intermeddle with this institution, the emancipation of the slave would be the certain consequence; and that an amalgamation of the two races would, sooner or later, be the result of that emancipation. Now, believing the blacks to be an inferior race, as they honestly

do, they look at this issue as the direst of all alternatives; and they are ready to resist it at every hazard, and to take every precaution against its slightest approach. They thus act with more confidence, because they regard the course of their opponents as unjust, and in conflict with the positive stipulations of those who formed the present Union.

But suppose that the present unfortunate discrepancy on negro slavery should continue unchanged; that the manufacturing States will forget that they now have the advantages of the free trade and restrictive systems united, which they must lose in case of a separation — which consideration also applies to the agricultural States — and that numbers will be found, willing to exchange their present blessings of free government, economy, and peace, for dictatorships, heavy taxes, and war — can it be believed that a majority, or even a large number of the States, will be thus oblivious of their interests and safety? Will Kentucky and Tennessee, and the States north-west of the Ohio, and those now rising up on the west of the Mississippi, to whom the navigation of that river is of such vital importance, consent to have their access to the ocean liable to be cut off by the naval power of some of the Atlantic States, or to hold it dependent on the favor of a foreign Power. They will have the means of arresting the suicidal scheme, and they will not be slow to use it. They will pour down like an *avalanche* on the Atlantic malcontents, and crush the treasonable project as soon as it is hatched.

Their power, thus attached to the Union by the strongest of all ties, self-interest, will be as resistless as it is loyal. The single State of Illinois can support a

larger, perhaps twice as large, a population as all New England; and several of its neighboring States are nearly as powerful. Besides, if all other difficulties were removed, where is the line of separation to be drawn, and what State would consent to be placed on the frontier, and to bear the brunt of those wars which are certain to arise between communities connected by neighborhood, and disconnected in every thing else? The scheme, then, of breaking up this great Republic into fragments is, fortunately, as impracticable as it is wicked and foolish. It is, therefore, most gratifying to believe that the great mass of the American people will ever agree with the solemn warnings of Washington, Adams, Jefferson, and of their successors, and, indeed, of every statesman entitled to public confidence, that our welfare and safety, as well as national greatness, are all dependent on the continuance of our political Union.

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The author has brought to a close a work undertaken, he fears rashly, at a time of life when men commonly seek repose rather than labor. In tracing the leading acts and fortunes of our great political Confederacy, during the first half century of its existence, his aim was to speak of its merits and defects, its good and evil tendencies, as truth and justice seemed to require; and his reprehensions have sometimes extended to popular men and measures. He has thus endeavored to redeem a pledge given at the commencement of his labors, and without which those labors would have been of little worth. Besides, it has been more than once said that, with all our boasted liberty, criticisms on



public affairs are not as free and as safe here as under less popular governments. If this reproach was unfounded, as the author believed, he was desirous of disproving it; and if it was unfortunately true, he felt it his duty to incur the penalty. He has great faith in the liberality and fairness of the tribunal which is to decide the question.

THE END OF THE FOURTH VOLUME.

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